

ORIGINAL

1:CV-00-700

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PETITIONER'S  
EXHIBITS

## TABLE OF CONTENTS

Detention Orders (FCI Allenwood & FCI Fort Dix).....	1-2
DHO Report (FCI Elkton).....	3-5
Confiscation Forms-Property (FCI Fort Dix).....	6-8
Requests to Staff Member (FCI Fort Dix).....	9-11
Property Form (FCI Elkton).....	12
Letter to Chief Justice Korman (Trial Justice).....	13-14
BP 8 (Informal Resolution)(FCI Elkton).....	15-17
BP 9 (Job Placement-Religion(FCI Elkton)).....	18-19
BP 8 (Staff Harassment-(FCI Elkton).....	20-29
*Administrative Remedies (Discrimination & Retaliation)....	30-38
*Administrative Remedies (Staff Negligence & Interference)..	39-44
*Administrative Remedies (Denial of Religious Practices)...	45-51
*Administrative Remedies (Staff Negligence).....	52-53
*Administrative Remedies (Denial of Religious Practices)...	54-68
*Program Review Report (FCI Elkton).....	69
Progress Report (FCI Elkton).....	70-72
Informal Resolution (FCI Cumberland).....	73-75
Inmate Request to Staff Member (FCI Cumberland).....	76-77
<b>Prohibiting Pre-Sentence Report and Statement of Reasons</b> (FCI Cumberland).....	78-82
Chief Justice Korman's Order and Government's Letter.....	83-84
Rule 60(b)(2) & (6) Order with Probation Department Memo...	85-87

\* Refers to matters there at FCI Elkton

U.S. Department of Justice  
Federal Bureau of Prisons

Administrative Detention Order

FCL Allenwood  
Institution

Date/Time: July 16, 1998  
3B

TO : Special Housing Unit Officer  
FROM : J.L. Zoda, SIS Lieutenant (Name/Title)  
SUBJECT : Placement of Garnes, Mark, Reg. No. 24646-053 in Administrative Detention

- XXXX (a) Is pending a hearing for a violation of Bureau regulations;  
(b) Is pending investigation of a violation of Bureau regulations;  
(c) Is pending investigation or trial for a criminal act;  
(d) Is to be admitted to Administrative Detention

(1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: \_\_\_\_\_

Staff Witness Printed Name/Signature: \_\_\_\_\_

(2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- (c) Is pending transfer or is in holdover status during transfer;  
(f) Is pending classification; or  
(g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because\*

**Pending a SIS Investigation for Unauthorized Activities.**

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time) July 16, 1998

Staff Witness Signature/Printed Name C. Zoda, Lt Date 7/16/98

\*In the case of DHO action, reference to that order is sufficient. In other cases, the officer will make an independent review and decision, which is documented here.

cc: Inmate Concerned (not necessary if placement is a result of holdover status)  
Captain  
Unit Manager  
Operations Supervisor - Administrative Detention Unit  
Central File

## ADMINISTRATIVE DETENTION ORDER CDFRM

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

CURED BY: NIEVES

FCI FT DIX WEST

Institution

Date/Time: 6-29-2001 1600HRS

Housing Unit Officer

KEILMAN LIEUTENANT

*S. Vail*

(Name/Title)

Placement of GARNES

, in Administrative Detention

Reg. No. 24646-053

- (a) Is pending a hearing for a violation of Bureau regulations;
- (b) Is pending investigation of a violation of Bureau regulations;
- (c) Is pending investigation or trial for a criminal act;
- (d) Is to be admitted to Administrative Detention

(1) Since the inmate has requested admission for protection;

by request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.:

Aff Witness Printed Name Signature:

(2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

s pending transfer or is in holdover status during transfer.

s pending classification; or

Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

officer's decision based on all the circumstances that the above named inmate's continued the general population poses a serious threat to life, property, self, staff, other to the security or orderly running of the institution because\*

ARE BEING PLACED IN ADMINISTRATIVE DETENTION PENDING SIS INVESTIGATION

The above named inmate is to be placed in Administrative Detention until further notice. received a copy of this Order on (date/time) 6-29-2001 1600HRS

Signature/Printed Name LT. VAUGHAN

Date

of DHO action, reference to that order is sufficient. In other cases, the officer will dependent review and decision, which is documented here.

- Inmate Concerned (not necessary if placement is a result of holdover status); Copy -  
by - Unit Manager; Copy - Operation Supervisor - Administrative Detention Unit; Copy -

may be replicated via WP)

Replaces BP-308(52) of JAN 88

**DISCIPLINE HEARING OFFICER REPORT**  
**U.S. DEPARTMENT OF JUSTICE**
**BP-S305.052 MAY 94**  
**FEDERAL BUREAU OF PRISONS**

INSTITUTION	FCI ELKTON, OH	INCIDENT REPORT NUMBER	966431		
INMATE NAME	Garnes, M	REG NO	24646-053	UNIT	B
DATE OF INCIDENT	02-20-2002	DATE OF INCIDENT REPORT	02-20-2002		
OFFENSE CODE(S)	307, 312, 306				
SUMMARY OF CHARGES	Refusing to Obey an Order, Insolence, Refusing Program				
<b>I. NOTICE OF CHARGE(S)</b>					
A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 02-21-2002 (time) 0841 (by staff member) Johnson LT					
B. The DHO Hearing was held on (date) 04-03-02 at (time) 0900					
C. The inmate was advised of his/her rights before the DHO by (staff member): Mraulak, CCC on (date) 02-25-02 and a copy of the advisement of rights form is attached.					
<b>II. STAFF REPRESENTATIVE</b>					
A. Inmate waived right to staff representative.			Yes:	XX	No:
B. Inmate requested staff representative and appeared.					
C. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: N/A					
D. Staff representative			N/A		was appointed.
<b>III. PRESENTATION OF EVIDENCE</b>					
A. Inmate admits		denies	X	the charge(s).	
B. Summary of inmate statement: The DHO read aloud section 11 of the incident report and asked the inmate if it was true. Inmate Garnes informed the DHO that he was in the bed sleeping and they told him to go to the Town Hall Meeting and he informed them that it wasn't mandatory. Garnes further informed the DHO they he went to the Town Hall Meeting and his witness could verify this information.					
C. Witness(es):					
1. The inmate requested witness(es).			Yes:	XX	No:
2. The following persons were called as witnesses at this hearing and appeared. (Include each witnesses' name, title, reg number and statement as appropriate.) Officer Ferraro testified that Garnes was told to go to the Town Hall Meeting and stayed in his cell.					
3. The following persons requested were not called for the reason(s) given. N/A					



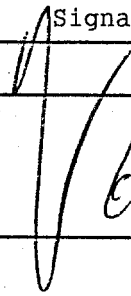
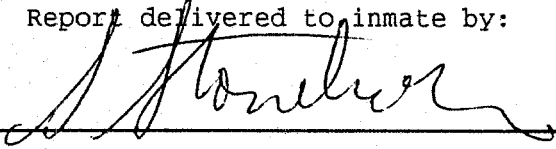
**DISCIPLINE HEARING OFFICER REPORT**  
**U.S. DEPARTMENT OF JUSTICE**

**BP-S305.052 MAY 94**  
**FEDERAL BUREAU OF PRISONS**

4. Unavailable witnesses were requested to submit written	Yes	No	N/A	X
D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents: N/A.				
E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because: N/A.				
<b>IV. FINDINGS OF THE DHO</b>				
A. The act was committed as charged.				
X	B. The following act was committed:	307		
	C. No prohibited act was committed: Expunge according to Inmate Discipline PS.			
<b>V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.)</b>				
<p>Based on the greater weight of the evidence, the DHO concluded the prohibited act of Refusing an Order was committed. The DHO based this decision on the following evidence:</p> <p>Officer Sweeney reported that he approached you in your cube and instructed you to report to the multipurpose room for a Town Hall Meeting. The officer further reported you stated that it wasn't mandatory to go. Officer Sweeney gave you another direct order to report to the meeting and you refused</p> <p>Also relied was the statement of your witness. He informed the DHO that you were ordered to go to the Town Hall Meeting and refused. His statement collaborates the written report submitted by the officer.</p> <p>Based on the fact you declined to follow the officers instruction the DHO determined you committed the prohibited act of code 307 of the Inmate Discipline Policy.</p> <p><b>Note: The DHO opted to drop the 312 and 306 based on the fact the 307 best encompasses the incident.</b></p>				
<b>VI. SANCTION OR ACTION TAKEN</b>				
307-15 Days D/S Suspended 180 Days Clear Conduct 307-Unit Change				
<b>VII. REASON FOR SANCTION OR ACTION TAKEN</b>				
<p>The action on the part of any inmate to refuse to obey an order given by any staff member interferes with the staff member's ability to complete assignments and to effectively deal with and control the inmates in a correctional setting.</p> <p>To hold you accountable for your behavior in this instance, the DHO has sanctioned you to a total of 15 days disciplinary segregation suspended 180 days clear conduct and a unit change. The DHO hopes this sanction will convince you to abide by all institution rules and regulations and will emphasize to you that this type of behavior will not be tolerated.</p>				

**DISCIPLINE HEARING OFFICER REPORT**  
**U.S. DEPARTMENT OF JUSTICE**

**BP-S305.052 MAY 94**  
**FEDERAL BUREAU OF PRISONS**

VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.			
	Yes	XX	No
IX. DISCIPLINE HEARING OFFICER			
Printed Name of DHO	Signature of DHO		Date
S. Biafore, DHO			
Report delivered to inmate by:	DATE	TIME	
	6-27-02	1145 <sup>9</sup> / <sub>12</sub>	

(This form may be replicated in WP)

Replaces BP-304(52) of JAN 88

UNICOR FEDERAL PRISON INDUSTRIES INC.  
LEAVENWORTH KANSAS

## U.S. Department of Justice

## Confiscation and Disposition of Contraband

Federal Bureau of Prisons

F. MILLER SENIOR OFFICER Signature/Printed Name of Staff Member Confiscating Property		FCC FMT DIX (Institution)																
1. Name: <b>GARLES</b>	2. Register No.: <b>24646-053</b>	3. Unit: <b>8818</b>	4. Date: <b>09 JUL 01</b>															
5. The contraband listed below was found in possession of, or in the living quarters of the above named inmate on <b>09 JUL 01</b> (Make a numerical list of contraband) <table style="width:100%; font-size: small;"> <tr> <td>① 40 STAMPS</td> <td>④ 2 MATCHES</td> <td>⑦ 2 NAIL CLIP</td> <td>⑩ 4 MISCELL</td> <td>⑬ 14 SFT 600K</td> </tr> <tr> <td>② DEOD</td> <td>⑤ 34 MATCHES</td> <td>⑧ 2 WHITE OUT</td> <td>⑪ 1 PND</td> <td>⑭ 1 MOTO AL 331</td> </tr> <tr> <td>③ SPICES (1)</td> <td>⑥ TAPE</td> <td>⑨ 17 MATCHES/PCS</td> <td>⑫ 7 MAGS</td> <td>⑮ 1 PHOTO AL 43</td> </tr> </table>				① 40 STAMPS	④ 2 MATCHES	⑦ 2 NAIL CLIP	⑩ 4 MISCELL	⑬ 14 SFT 600K	② DEOD	⑤ 34 MATCHES	⑧ 2 WHITE OUT	⑪ 1 PND	⑭ 1 MOTO AL 331	③ SPICES (1)	⑥ TAPE	⑨ 17 MATCHES/PCS	⑫ 7 MAGS	⑮ 1 PHOTO AL 43
① 40 STAMPS	④ 2 MATCHES	⑦ 2 NAIL CLIP	⑩ 4 MISCELL	⑬ 14 SFT 600K														
② DEOD	⑤ 34 MATCHES	⑧ 2 WHITE OUT	⑪ 1 PND	⑭ 1 MOTO AL 331														
③ SPICES (1)	⑥ TAPE	⑨ 17 MATCHES/PCS	⑫ 7 MAGS	⑮ 1 PHOTO AL 43														
6. (To be completed by inmate) I have received a list of those items confiscated as contraband. I claim ownership of the following items (identify by number from section 5 above): Nos. <b>1-15</b> . I am aware that a claim of ownership will not be accepted for any item of government property. With respect to my claimed personal property, I am aware that I have 7 days from receipt of this inventory to provide staff with evidence of my ownership of the claimed items.																		
1.  received a copy of this inventory on <b>21 AUG 01</b> (inmate's signature) (Date)																		
7. Of the contraband listed in section 5 above, the inmate has established ownership for the following (identify by number from section 5 above): Nos. _____  Contraband, other than hard contraband, may be mailed at the inmate's expense to a destination of the inmate's choice. The institution may pay for the mailing when the inmate has insufficient funds and no likelihood of receiving new funds. Where the inmate is financially able to pay postage, but refuses, or fails to provide a mailing address for return of the property, the confiscated property will be disposed of through approved means, including destruction of property.  I have read or had read to me the above information. I request the following action be taken in regards to my contraband property.																		
a. <input type="checkbox"/> I request the property be mailed to _____ _____ I agree to pay mailing costs.																		
Inmate's Signature: _____ Date: _____																		
b. <input type="checkbox"/> I request the institution to pay mailing costs. I have insufficient funds in my institution account and do not expect to receive new funds. (The approval of the Warden or designee is required for the institution to pay postage.)																		
Inmate's Signature: _____ Date: _____																		
c. <input checked="" type="checkbox"/> Other (specify, e.g., donate to institution) <b>REL PROP.</b>																		
Inmate's Signature:  Date: <b>21 AUG 01</b>																		
8. The following contraband (identify by number from section 5 above) has been determined to be hard contraband or to be contraband for which no ownership has been established. The contraband has been disposed of by (indicate disposition/reasons): Nos. _____																		
Signature/Printed Name of Staff Member Determining Method of Disposal		Date																
Signature/Printed Name of Staff Member Disposing of Property		Date																
When Property is Destroyed, Signature/Printed Name of Staff Witness		Date																



UNICOR FEDERAL PRISON INDUSTRIES INC.  
LEAVENWORTH KANSASU.S. Department of Justice  
Federal Bureau of Prisons

## Confiscation and Disposition of Contraband

Signature/Printed Name of Staff Member Confiscating Property

(Institution)

1. Name:

GALVES

2. Register No.:

24646-053

3. Unit:

B31A

4. Date:

07 JUL 01

5. The contraband listed below was found in possession of, or in the living quarters of the above named inmate on 07 JUL 01.

(Make a numerical list of contraband)

- (1) AM. SHIRT (4) 3 T-SHIRT (2) 5 GLOVES (6) 10 T-SHIRT  
 (3) AL. MAIL BAG (5) 2 WASHCLOTH (8) 3 SHIRT SHIRT (11) 6 SOCKS  
 (3) 13466T (6) 6 CLOTHES (9) 1 HOSIERY SHIRT (12) 2 SOCKS

6. (To be completed by inmate) I have received a list of those items confiscated as contraband. I claim ownership of the following items (identify by number from section 5 above): Nos. 1-12. I am aware that a claim of ownership will not be accepted for any item of government property. With respect to my claimed personal property, I am aware that I have 7 days from receipt of this inventory to provide staff with evidence of my ownership of the claimed items.

I, X, received a copy of this inventory on 21 AUG 01

(inmate's signature)

(date)

7. Of the contraband listed in section 5 above, the inmate has established ownership for the following (identify by number from section 5 above): Nos. \_\_\_\_\_

Contraband, other than hard contraband, may be mailed at the inmate's expense to a destination of the inmate's choice. The institution may pay for the mailing when the inmate has insufficient funds and no likelihood of receiving new funds. Where the inmate is financially able to pay postage, but refuses, or fails to provide a mailing address for return of the property, the confiscated property will be disposed of through approved means, including destruction of property.

I have read or had read to me the above information. I request the following action be taken in regards to my contraband property.

a. I request the property be mailed to \_\_\_\_\_.

I agree to pay mailing costs.

Inmate's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

b. I request the institution to pay mailing costs. I have insufficient funds in my institution account and do not expect to receive new funds. (The approval of the Warden or designee is required for the institution to pay postage.)

Inmate's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

c. ☒ Other (specify, e.g., donate to institution) \_\_\_\_\_

INMATE REC. PROC.

Inmate's Signature: X

Date: 21 AUG 01

8. The following contraband (identify by number from section 5 above) has been determined to be hard contraband or to be contraband for which no ownership has been established. The contraband has been disposed of by (indicate disposition/reasons): Nos. \_\_\_\_\_

Signature/Printed Name of Staff Member Determining Method of Disposal

Date

Signature/Printed Name of Staff Member Disposing of Property

Date

When Property is Destroyed, Signature/Printed Name of Staff Witness

Date

UNICOR FEDERAL PRISON INDUSTRIES INC.  
LEAVENWORTH KANSASU.S. Department of Justice  
Federal Bureau of Prisons

## Confiscation and Disposition of Contraband

 Signature/Printed Name of Staff Member Confiscating Property		FCI Fort Dix (Institution)	
1. Name: <u>GARVES</u>	2. Register No.: <u>24646-053</u>	3. Unit: <u>881A</u>	4. Date: <u>09 July 01</u>
5. The contraband listed below was found in possession of, or in the living quarters of the above named inmate on <u>09 July 01</u> (Make a numerical list of contraband) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 50%;">(1) ATM CARD</div> <div style="width: 50%;">(4) 1st Airtel</div> <div style="width: 50%;">(3) 1st Airtel</div> <div style="width: 50%;">(10) 1st Airtel</div> <div style="width: 50%;">(2) 1st Airtel</div> <div style="width: 50%;">(5) 1st Airtel</div> <div style="width: 50%;">(2) 4th Airtel</div> <div style="width: 50%;">(1) 1st Airtel</div> <div style="width: 50%;">(3) 1st Airtel</div> <div style="width: 50%;">(6) 1st Airtel</div> <div style="width: 50%;">(7) 3rd Airtel</div> <div style="width: 50%;">(1) 1st Airtel</div> </div>			
6. (To be completed by inmate) I have received a list of those items confiscated as contraband. I claim ownership of the following items (identify by number from section 5 above): Nos. <u>1-10</u> . I am aware that a claim of ownership will not be accepted for any item of government property. With respect to my claimed personal property, I am aware that I have 7 days from receipt of this inventory to provide staff with evidence of my ownership of the claimed items.			
I, <u>X M. L. S.</u> , received a copy of this inventory on <u>21 AUG 01</u> (inmate's signature) (date)			
7. Of the contraband listed in section 5 above, the inmate has established ownership for the following (identify by number from section 5 above): Nos. _____			
Contraband, other than hard contraband, may be mailed at the inmate's expense to a destination of the inmate's choice. The institution may pay for the mailing when the inmate has insufficient funds and no likelihood of receiving new funds. Where the inmate is financially able to pay postage, but refuses, or fails to provide a mailing address for return of the property, the confiscated property will be disposed of through approved means, including destruction of property.			
I have read or had read to me the above information. I request the following action be taken in regards to my contraband property.			
a. <u>  </u> I request the property be mailed to _____ I agree to pay mailing costs.			
Inmate's Signature: _____ Date: _____			
b. <u>  </u> I request the institution to pay mailing costs. I have insufficient funds in my institution account and do not expect to receive new funds. (The approval of the Warden or designee is required for the institution to pay postage.)			
Inmate's Signature: _____ Date: _____			
c. <u>X</u> Other (specify, e.g., donate to institution) <u>REC PROP</u>			
Inmate's Signature: <u>X</u> Date: <u>21 AUG 01</u>			
8. The following contraband (identify by number from section 5 above) has been determined to be hard contraband or to be contraband for which no ownership has been established. The contraband has been disposed of by (indicate disposition/reasons): Nos. _____			
Signature/Printed Name of Staff Member Determining Method of Disposal			Date
Signature/Printed Name of Staff Member Disposing of Property			Date
When Property is Destroyed, Signature/Printed Name of Staff Witness			Date



U.S. Department of Justice  
Federal Bureau of Prisons

Inmate Personal Property Record—  
Institution: Alm

1. Name: <u>GARNES MARY</u>		2. Register Number: <u>24646-053</u>		3. Unit: <u>3B</u>		4. Date and Time of Inventory: <u>4-12-00 2:10P</u>	
5. Purpose of Inventory (check one that applies): Date and Time of Action: <u>4-12-00/2:10P</u>				6. Disposition (Disp.)			
a. <input type="checkbox"/> Admission b. <input type="checkbox"/> Hospital c. <input type="checkbox"/> Writ d. <input checked="" type="checkbox"/> Transfer e. <input type="checkbox"/> Detention f. <input type="checkbox"/> Release				D - Donated M - Mail S - Storage			
g. <input type="checkbox"/> Incoming package h. <input type="checkbox"/> Other (specify) <u>FTD</u>				K - Keep in Possession C - Contraband (Attach BP-Record-102)			
7. Type of Property:		# Article		Disp.		b. Hygiene, etc.	
a. Personally Owned Items		# Article		Disp.		# Article	
# Article		Disp.		# Article		Disp.	
___ Batteries		___ Plastic spoon, cup		___		___ Canned tobacco	
___ Belt		___ Playing cards		___		___ Chewing tobacco	
___ Billfold		___ Purse		___		___ Cigarettes	
___ Books, reading		___ Radio (w/earplug)		___		___ Cigars, snuff	
hard___, soft___		___ Religious medals		___		___ Coffeemate	
___ Books, religious		___ Ring		___		___ Cold drink mix, soda	
hard___, soft___		___ Shirt/blouse		___		___ Fruit	
___ Brassiere		___ Shoes		___		___ Honey, Hi-protein	
___ Cap, Hat		___ Shoes, shower		___		___ Instant chocolate	
___ Coat		___ Shoes, slippers		___		___ Instant coffee	
___ Coins		___ Shoes, tennis		___		___ Instant tea	
___ Comb		___ Shorts		___		___ Pipe cleaner/filters	
___ Combination lock		___ Skirt		___		___ Pipes	
___ Dress		___ Slip		___			
___ Driver's license		___ Social security card		___			
___ Earplugs		___ Socks		___			
___ Eyeglass case		___ Socks, athletic		___			
___ Eyeglasses		___ Stamps		___			
___ Gloves		___ Stockings		___			
___ Hair brush/pick		___ Sunglasses		___			
___ Handkerchief		___ Sweater		___			
___ Jacket		___ Sweat pants		___			
___ Jogging suit		___ Sweat shirt		___			
___ Legal Materials <u>FTD</u>		___ Trophy		___			
___ Letters		___ T-Shirts		___			
___ Magazines		___ Underwear		___			
___ Mirror		___ Watch/watch band		___			
___ Nail Clippers		___ Wig		___			
___ Pant/slacks				___			
___ Pen, ballpoint				___			
___ Pencils				___			
___ Personal papers				___			
___ Photo album				___			
___ Photos				___			

8. Items Alleged by Inmate to Have Value Over \$100.00  
Description of Property

Value Alleged by Inmate

No individual item over \$100.00

9. Article(s) Listed as "Mail" (M) Are to be Forwarded to (Name and Address of Consignee):

FTD (ALL LEGAL)

10. Claim Release: a. The receiving officer, as soon after receipt of the property as possible, will review the inventory with the inmate to verify its accuracy. Property that is stored, kept in possession of the inmate, mailed out of the institution, or donated is to be marked in the appropriate section of this inventory form. The receiving officer certifies receipt, review and disposition of the property by signing below. The inmate by signing below certifies the accuracy of the inventory, except as noted on the form, relinquishing of all claim to articles listed as donated, receipt of all allowable items, and receipt of a copy of the inventory. When the inmate claims a discrepancy in the inventory, the receiving officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Receiving Officer: [Signature]

Date: 4-12-00 Time: 2:30P

I have today reviewed the property returned to me. Signature of Inmate: [Signature]

Reg. No.: 24646-053 Date: 4-12-00 Time: 2:30P

b. Upon release of the inmate from the institution, the receiving officer will give the inmate the property stored as a result of the inmate's housing. The inmate certifies release of the property, except as noted on this form, and receipt of a copy of the inventory by signing below. When the inmate claims a discrepancy in the inventory, the receiving officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Releasing Officer: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

I have today reviewed the property returned to me. Signature of Inmate: \_\_\_\_\_

Reg. No.: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_



U.S. Department of Justice  
Federal Bureau of Prisons

Inmate Personal Property Record—  
Institution: ALM

1. Name: <u>GARNES, MARK</u>	2. Register Number: <u>24646-053</u>	3. Unit: <u>3B</u>	4. Date and Time of Inventory: <u>4-12-00 2:00P</u>
5. Purpose of Inventory (check one that applies): Date and Time of Action: <u>4-12-00/2:00P</u>		6. Disposition (Disp.)	
a. <input type="checkbox"/> Admission b. <input type="checkbox"/> Hospital c. <input type="checkbox"/> Writ d. <input checked="" type="checkbox"/> Transfer e. <input type="checkbox"/> Detention f. <input type="checkbox"/> Release		D - Donated M - Mail S - Storage	
g. <input type="checkbox"/> Incoming package h. <input type="checkbox"/> Other (specify) <u>FTD</u>		K - Keep in Possession	
		C - Contraband (Attach BP-Record-102)	

7. Type of Property:		#	Article	Disp.	#	Article	Disp.	#	Article	Disp.
a. Personally Owned Items					b. Hygiene, etc.			d. Food/Tobacco Items		
#	Article				#	Article		#	Article	
	Batteries		Plastic spoon, cup			Dental floss			Canned tobacco	
<u>4</u>	Belt	<u>M</u>	Playing cards			Dentures			Chewing tobacco	
	Billfold		Purse			Deodorant			Cigarettes	
	Books, reading		Radio (w/earplug)	<u>B</u>		Hair oil			Cigars, snuff	
	hard, soft		Religious medals			Noxzema			Coffeemate	
	Books, religious		Ring			Powder			Cold drink mix, soda	
	hard, soft		Shirt/blouse			Razor		<u>3</u>	Fruit	
	Brassiere		Shoes			Razor blades			Honey, Hi-protein	<u>3</u>
	Cap, Hat		Shoes, shower	<u>B</u>		Shampoo			Instant chocolate	
	Coat		Shoes, slippers			Shaving lotion			Instant coffee	
	Coins		Shoes, tennis	<u>B</u>		Skin lotion			Instant tea	
	Comb		Shorts			Soap			Pipe cleaner/filters	
<u>I</u>	Combination lock	<u>B</u>	Skirt			Soap dish			Pipes	
	Dress		Slip			Toothbrush		<u>8</u>	<u>DATE</u>	<u>B</u>
	Driver's license		Social security card			Toothpaste		<u>7</u>	<u>DATE MIX</u>	<u>B</u>
	Earplugs		Socks		<u>3</u>	<u>CRISPS</u>	<u>B</u>	<u>3</u>	<u>DATE</u>	<u>B</u>
	Eyeglass case		Socks, athletic		<u>3</u>	<u>TIDE</u>		<u>3</u>	<u>DATE</u>	<u>B</u>
	Eyeglasses		Stamps					<u>3</u>	<u>DATE</u>	<u>B</u>
	Gloves		Stockings					<u>3</u>	<u>DATE</u>	<u>B</u>
	Hair brush/pick		Sunglasses					<u>3</u>	<u>DATE</u>	<u>B</u>
	Handkerchief		Sweater					<u>3</u>	<u>DATE</u>	<u>B</u>
	Jacket		Sweat pants					<u>3</u>	<u>DATE</u>	<u>B</u>
	Jogging suit		Sweat shirt					<u>3</u>	<u>DATE</u>	<u>B</u>
	Legal Materials		Trophy					<u>3</u>	<u>DATE</u>	<u>B</u>
	Letters		T-Shirts					<u>3</u>	<u>DATE</u>	<u>B</u>
	Magazines		Underwear					<u>3</u>	<u>DATE</u>	<u>B</u>
	Mirror		Watch/watch band					<u>3</u>	<u>DATE</u>	<u>B</u>
	Nail Clippers		Wig					<u>3</u>	<u>DATE</u>	<u>B</u>
	Pant/slacks							<u>3</u>	<u>DATE</u>	<u>B</u>
	Pen, ballpoint							<u>3</u>	<u>DATE</u>	<u>B</u>
	Pencils							<u>3</u>	<u>DATE</u>	<u>B</u>
	Personal papers							<u>3</u>	<u>DATE</u>	<u>B</u>
	Photo album							<u>3</u>	<u>DATE</u>	<u>B</u>
	Photos							<u>3</u>	<u>DATE</u>	<u>B</u>

8. Items Alleged by Inmate to Have Value Over \$100.00	Value Alleged by Inmate
Description of Property	
<u>NO</u>	
No individual item over \$100.00	

9. Article(s) Listed as "Mail" (M) Are to be Forwarded to (Name and Address of Consignee):

FTD

10. Claim Release: a. The receiving officer, as soon after receipt of the property as possible, will review the inventory with the inmate to verify its accuracy. Property that is stored, kept in possession of the inmate, mailed out of the institution, or donated is to be marked in the appropriate section of this inventory form. The receiving officer certifies receipt, review and disposition of the property by signing below. The inmate by signing below certifies the accuracy of the inventory, except as noted on the form, relinquishing of all claim to articles listed as donated, receipt of all allowable items, and receipt of a copy of the inventory. When the inmate claims a discrepancy in the inventory, the receiving officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Receiving Officer: J. DAVENPORT JR. Date: 4-12-00 Time: 2:30P

I have today reviewed the property returned to me. Signature of Inmate: Mark Garnes Reg. No.: 24646-053 Date: 4-12-00 Time: 2:30P

b. Upon release of the inmate from the unit, detention, etc., the releasing officer is to give the inmate that property stored as a result of the inmate's housing. The inmate certifies release of the property, except as noted on this form, and receipt of a copy of the inventory by signing below. When the inmate claims a discrepancy in the inventory, the releasing officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Releasing Officer: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

I have today reviewed the property returned to me. Signature of Inmate: \_\_\_\_\_ Reg. No.: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_



U.S. DEPARTMENT OF JUSTICE

## INMATE REQUEST TO STAFF MEMBER

Federal Bureau of Prisons

DATE 10/23/01TO: WARDEN VANCE BAILEY

(Name and title of officer)

SUBJECT: State completely but briefly the problem on which you desire assistance, and what you think should be done (Give details).

ON 6-29-01, I WAS DETAINED IN SHU PENDING INVESTIGATION. TO DATE, I HAVE NOT RECEIVED DOCUMENTATION AS TO WHEN THIS INVESTIGATION BEGINS AND THE CONCLUSIONS. I REQUEST HERE WRITTEN DOCUMENTATION(S) REGARDING THIS MATTER INCLUSIVE OF ALLEGATIONS MADE BY GLASS

(Use other side of page if more space is needed)

OR INMATE(S) WITH NAMES REDACTED SO AS NOT TO INTERFERE WITH YOUR SOURCES, WHETHER RELIABLE, I REQUEST PROOF OF HESIDRY, THUS ILLUSTRATING CONCRETE CORROBORATION. IT IS MY BELIEF THAT THIS MATTER WAS CORRELATED BY CAPT. MONTGOMERY & SIA ODILL WHOM I HAVE HISTORIES WITH EACH. TO WHICH THIS MATTER MAY BE DEEMED VINDICTIVE. ADVISE

NAME: GARNES, MARKNo.: 2001-056Work assignment: N/AUnit: SHU

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

DISPOSITION: (Do not write in this space)

DATE \_\_\_\_\_

Officer \_\_\_\_\_



U.S. DEPARTMENT OF JUSTICE

## INMATE REQUEST TO STAFF MEMBER

Federal Bureau of Prisons

DATE 12-22-01TO: WARDEN NANCY BAILEY  
(Name and title of officer)

SUBJECT: State completely but briefly the problem on which you desire assistance, and what you think should be done (Give details).

I've submitted three cop-outs & two BP's concerning missing property, with the fact procedures were not followed upon securing & packing my property on 6-29-01. To which I've been detained in SHU since said date. Cop-outs submitted to SIS Prop. Officer Miles, BP's to WM CARROLL (SBI). On said date

(Use other side of page if more space is needed)

UNIT OFFICER (SBI) did not inventory/initialize my property. According to Form BP-383(SB), dated July 17th, 2001, there is no signature by staff when conducted the initializing. Seems as though deprivation of my property is being concealed & the REQUESTS & RESOLUTIONS OBSTRUCTED. I REQUEST INVESTIGATION THEREOF.

NAME: GARNES, MARK No.: 246416-053Work assignment: N/A Unit: SHU

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

DISPOSITION: (Do not write in this space)

DATE \_\_\_\_\_

Officer \_\_\_\_\_



U.S. DEPARTMENT OF JUSTICE

INMATE REQUEST TO STAFF MEMBER

Federal Bureau of Prisons

DATE 11/21/02TO: Warden, Valley Station

(Name and title of officer)

SUBJECT: State completely but briefly the problem on which you desire assistance, and what you think should be done (Give details).

THE WITHHELD IS A DEFENDANT OF MY RELEASE ON A HALLS  
 STRIKE SINCE JULY 10-22-01. TO WHICH I HAVE REQUESTED VIA  
 COUPONS & INFORMAL RESULTSING THE SUBSTANCE OF THE INVESTIGATION  
 IVE BEEN DETAINED HEREIN, CONCLUSIVE THEREIN, ALSO PROPERLY  
 NOTHING TO DATE, SEEMS THE ADMINISTRATIVE HAS BEEN OBSTACULING  
 IMPEDED BY UNIT (Use other side of page if more space is needed) MANAGER CARROLL HAS  
 HAS TAKEN TO HANDLING, PERSONALLY, DOCUMENTS SUBMITTED BY ME AT  
 CONCERNING THE PERSONALLY (TRANSFER REFUSED). I AM FURTHERING  
 REQUESTING NOW TO THE APTIAL CONFIRMING THE INVESTIGATION, THE  
 PROPERTY, THE DISCREPANCY OF THIS TRANSFER LONG HANDLED STEALTHY, BE  
 APPROPRIATE, ME, DOCUMENTED TO WHICH I BELIEVE I THINK MY  
 LIBERTY & LIFE ARE BEING PLACED IN DANGER WITH TRANSFER.

NAME: MARK CARROLL, ManagerNo.: 241116053Work assignment: N/AUnit: SHU

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

DISPOSITION: (Do not write in this space)

DATE \_\_\_\_\_

Officer \_\_\_\_\_



U.S. Department of Justice  
Federal Bureau of Prisons

Inmate Personal Property Record  
Institution: FZA

1. Name: <u>James, Mark</u>	2. Register Number: <u>24646-053</u>	3. Unit: <u>BB</u>	4. Date and Time of Inventory: <u>2/13/01</u>
5. Purpose of Inventory (check one that applies): Date and Time of Action: <u>12/13/01 11:45</u>			6. Disposition (Disp.)
a. <input checked="" type="checkbox"/> Admission b. <input type="checkbox"/> Hospital c. <input type="checkbox"/> Write d. <input type="checkbox"/> Transfer e. <input type="checkbox"/> Detention f. <input type="checkbox"/> Release			D - Donated M - Mail S - Storage
g. <input type="checkbox"/> Incoming package h. <input type="checkbox"/> Other (specify)			K - Keep in Possession
			C - Contraband (Attach BP-Record-102)

7. Type of Property		#	Article	Disp.	b. Hygiene, etc.	#	Article	Disp.	d. Food/Tobacco Items	#	Article	Disp.
a. Personally Owned Items												
#	Article				#	Article			#	Article		
3	Batteries		Plastic spoon, cup			Dental floss				Canned tobacco		
	Belt		Playing cards		2	Dentures				Chewing tobacco		
	Billfold		Purse			Deodorant				Cigarettes		
	Books, reading		Radio (w/earplug)			Hair oil				Cigars, snuff		
	hard, soft		Religious medals			Noxzema				Coffmate		
	Books, religious		Ring			Powder				Cold drink mix, soda		
	hard, soft		Shirt/blouse			Razor				Fruit		
	Brassiere		Shoes		2	Razor blades				Honey, Hi-protein		
	Cap, Hat		Shoes, shower			Shampoo				Instant chocolate		
	Coat		Shoes, slippers			Shaving lotion				Instant coffee		
	Coins		Shoes, tennis			Skin lotion				Instant tea		
	Comb		Shorts			Soap				Pipe cleaner/filters		
	Combination lock		Skirt			Soap dish				Pipes		
	Dress		Slip		2	Toothbrush						
	Driver's license		Social security card			Toothpaste						
	Earplugs		Socks									
	Eyeglass case		Socks, athletic		1							
	Eyeglasses		Stamps		1							
	Gloves		Stockings		1							
	Hair brush/pick		Sunglasses		2							
	Handkerchief		Sweater		2							
	Jacket		Sweat pants		2							
	Jogging suit		Sweat shirt		2							
	Legal Materials		Trophy		2							
	Letters		T-Shirts		2							
	Magazines		Underwear		2							
	Mirror		Watch/watch band		2							
	Nail Clippers		Wig		2							
	Pant/slacks				2							
	Pen, ballpoint				2							
	Pencils				2							
	Personal papers				2							
	Photo album				2							
	Photos				2							

8. Items Alleged by Inmate to Have Value Over \$100.00  
Description of Property

Value Alleged by Inmate

No individual item over \$100.00

9. Article(s) Listed as "Mail" (M) Are to be Forwarded to (Name and Address of Consignee):

10. Claim Release: a. The receiving officer, as soon after receipt of the property as possible, will review the inventory with the inmate to verify its accuracy. Property that is stored, kept in possession of the inmate, mailed out of the institution, or donated is to be marked in the appropriate section of this inventory form. The receiving officer certifies receipt, review and disposition of the property by signing below. The inmate, by signing below, certifies the accuracy of the inventory, except as noted on the form, relinquishing of all claim to articles listed as donated, receipt of all allowable items, and receipt of a copy of the inventory. When the inmate claims a discrepancy in the inventory, the receiving officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Receiving Officer: T. Selman

Date: 2/13/01 Time: 11:50A

I have today reviewed the property returned to me. Signature of Inmate: James, Mark

Reg. No.: 24646-053

Date: 2/13/01 Time: 11:50A

b. Upon release of the inmate from the unit, detention, etc., the releasing officer is to give the inmate that property stored as a result of the inmate's housing. The inmate certifies release of the property, except as noted on this form, and receipt of a copy of the inventory by signing below. When the inmate claims a discrepancy in the inventory, the releasing officer shall attempt to resolve that discrepancy. If the inmate states that there is missing or damaged property, this information should be noted under Comments.

Comments

Printed Name/Signature of Releasing Officer:

Date: Time:

I have today reviewed the property returned to me. Signature of Inmate:

Reg. No.:

Date: Time:



MARK A. GARNES  
Reg. No. 24646-053  
P.O. Box 10-Unit 88  
FCI ELKTON  
LISBON, OH 44432

FEBRUARY 4<sup>th</sup>, 2002

Hon. Chief Justice Edward R. KORMAN  
United States District Judge  
United States District Court  
Eastern District of New York  
225 CADMAN PLAZA EAST  
Brooklyn, New York 11201

RE: United States v. MARK GARNES 88CR496(S-143)(ERK)

DEAR HON. KORMAN:

I submit the withheld in request to the Honorable Court's Enquiry, should incident of defendant in RE, being determined death by suicide, here at the current facility (FCI ELKTON).

This matter concerning defendant, as grievant here at the prison, filing grievances against staff for Harassment, Retaliation, and discrimination. (BP8's: B359, B364, B365, B368, B373, B374)  
Submission here that defendant/grievant is not suicidal, has not been throughout his life nor pondered, ever, such a decision. Considering the volatile environs encompassing staff



RACISM, this submission before Your Honor is to clarify such death, should death occur under "strange" circumstances, being poisoning, placement in SHU on trumped up charges (ADMINISTRATIVE), or otherwise, resulting in death.

Thanking Your Honor in ADVANCE to the withheld.

Respectfully submitted,

Mark A. GARNES

MARK A. GARNES

Reg. No. 24646-053

P.O. Box 10-Unit BB

FBI ELKTON

Lisbon, OH 44432

ELK 1330.13A  
 October 8, 1997  
 Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
 INFORMAL RESOLUTION FORM  
 FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: \_\_\_\_\_

INMATE'S NAME: GARNES, MARK NO. 24646053 UNIT FB

1. Specific Complaint: ON 1-24-02, BP8 submitted to CCA Smith (Unit RB) concerning  
person missing due to staff negligence at FCI Ft Dix; ON 2-21-02, submission of  
 2. Relief Requested: SEE NEXT PAGE

→  
 (next  
 page)

3. Date/Time Complaint received from inmate: \_\_\_\_\_

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: \_\_\_\_\_

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

Inmate's Signature/Register No. \_\_\_\_\_

\_\_\_\_\_ Date

STAFF MEMBER'S NAME & TITLE \_\_\_\_\_

\_\_\_\_\_ DATE

UNIT MANAGER'S SIGNATURE \_\_\_\_\_

\_\_\_\_\_ DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

PC 15

Pg. 2.

Mark Gaines  
24646053  
FB

BP.8

BP 96, case numbers 260768-F1; 260516-F1; 259317-F1; 260759-F1; 260755-F1; 260760-F1; 260753-F1, CCC Smith precluded GREIVANT from filing these appeals appropriately. ON 3-7-02, GREIVANT ATTEMPTED TO CONVINCE COUNSELOR SMITH TO COPY NECESSARY COMPLAINTS FOR APPENDAGE TO BP10, THIS MATTER WAS IGNORED. ON OR ABOUT 3-11-02, GREIVANT SOUGHT TO HAVE A BB TEAM MEMBER ASSIST WITH THIS MATTER, TO NO AVAIL. CCC SMITH'S NEGLIGENCE WAS RETALIATORY AND DELIBERATE IN HOPES OF DISCOURAGING GREIVANT FROM FILING THE AFOREMENTIONED, THUS INTERFERING WITH SAID GREIVANCES. ~~P.S. 1330.13-8(a)~~ P.S. 1330.13-8(a)

Resolution: Matter as to property properly investigated; Remaining Remedies permitted to be filed with accompanying/append memorandums, per P.S. 1330.13-8(b); 2d PACA. Issues may be submitted, multiple issue related per P.S. 1330.13-8(c)(2)

\* GREIVANT WAS DETAINED IN SHU per those request of assistance, except property matter.

BP-S148.055 INMATE REQUEST TO STAFF CDFRM  
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) ECC SMITH	DATE: 4-18-02
FROM: GARNES, M.	REGISTER NO.: 24646-053
WORK ASSIGNMENT: CAPT. CREW	UNIT: FB

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

ON 1-24-02, I submitted a BP-8 1/2 to you regarding my property in Ft Dix. To date I have not received a response or status thereof. REQUEST STATUS THEREOF.

(Do not write below this line)

DISPOSITION:

Received Inmate Request to Staff on Monday, April 29, 2002. According to my records Informal Resolution Number B371, addresses a number of issues. Only one specific complaint may be filed on the Informal Resolution Form.

Signature Staff Member

Date

4-29-02

U.S. DEPT. OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

111 1-16-02

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, Mark 24646-053 03 FCL ELKTON  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST On or about 12-21-01, Evening Captain Crew Staff, C.O. Bube signed a cop-out approving my placement. Upon this approval I sought CAPTAIN KRYER's further signature for approval as previously discussed with the CAPTAIN CAPTAIN KRYER along with Lt. McCANIS retrieved the cop-out to confirm C.O. Bube's signature. Confirmation took place on or about December 29th, 2001, with Officer Bube in my presence, with Lt. McCANIS confirmed his initialed signature. Lt. McCANIS expressed the cop-out would be forwarded to CCC Devivo. Furthermore, my request for the job change was due to the current job ~~detail~~ (CMS) INTERFERING WITH MY MORNING PRAYERS (SHEMA'S AMERICAN) (JEWISH RELIGION), WHICH I ADDRESSED VIA COP-OUT TO CAPTAIN KRYER ON OR ABOUT 12-14-01. THUS ADVISING TO SEE THE COMPOUND OFFICERS IN CHARGE, AS FOREMENTIONED CONSIDERING RESPONSE (BP 2/2) implying detail availability, this institution's capacity is beyond therefore, job assignments will meet the same pressures. Seemingly, this job assignment, as well other select details ARE RESERVED FOR A CERTAIN type, class of inmates. Thereby, opposing other inmates with substantial and valid concerns. P.S. 1040.04, 28CFR 551. I REQUEST PLACEMENT ON A JOB DETAIL THAT PERMITS MY RELIGIOUS PRACTICES IN ACCORDANCE WITH P.S. 5360.07, 11[b]. FURTHER REQUEST THAT NO RETALIATION IS TAKEN UPON GRIEVANT FOR THE FILING OF THE WITHHELD. CONSIDERING STAFF HERE AT FCI & FSL ELKTON ARE CLOSE KNIT AND POTENTIALLY VINDICTIVE FOR SUCH GRIEVANCES. IN THE INTERIM, I REQUEST TEMPORARY ASSIGNMENT UNTIL A JOB ASSIGNMENT CAN BE JANUARY 16<sup>th</sup>, 2002. Appropriated. CMS does not pay me anyway. Mark A. Garnes  
DATE SIGNATURE OF REQUESTER

## Part B- RESPONSE

2/21/2002  
DATE

R. L. Morris  
WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 254317-F1

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: 2-1-02

P.S. 18



**REQUEST FOR ADMINISTRATIVE REMEDY  
PART B - RESPONSE**

Remedy I.D.: 259317-F1


This is in response to your Request for Administrative Remedy received February 1, 2002, in which you request a change in your work assignment to accommodate your religious practices, specifically, morning prayers.


Investigation into the matter reveals that on December 18, 2001, after completing the Institution Admission and Orientation (A&O) Program, you were assigned to the Mechanical Services work detail. You state that on December 21, 2001, you submitted an Inmate Request to Staff Member requesting a job change, which was appropriately signed by both detail supervisors approving the change from Mechanical Services to Captain's Crew PM. You also state that the Lieutenant was going to forward this request to the A&O Counselor for disposition. The A&O Counselor states that he did not receive this request; therefore, he could not process the change. At that time, the Mechanical Services detail supervisor informed the A&O Counselor that you were unable to participate in prayer, because you state that the Mechanical Services area was not sanitary to complete your morning prayer. On January 23, 2002, upon receiving this notice, the A&O Counselor changed your work assignment to the Captain's Crew AM work detail.

Program Statement 5360.08, Religious Beliefs and Practices, states that "if the religious tenets of an inmate's faith are violated or jeopardized by a particular work assignment, a different work assignment ordinarily shall be made after it is requested in writing by the inmate." Institution Supplement 5251.05B, Inmate Work & Performance Pay Program, states "Inmates will ordinarily remain in their initial detail a minimum of 90 days and subsequent reassignments for a minimum of 180 days." Staff have already made a change in your work assignment to better accommodate your religious practice of morning prayers.

Based on these findings, your Request for Administrative Remedy is partially granted.

**If you are dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Northeast Region, U.S. Custom House, 7<sup>th</sup> Floor, 2<sup>nd</sup> and Chestnut Streets, Philadelphia, Pennsylvania 19106, within 20 calendar days of the date of this response.**

  
R. L. Morrison, Warden

  
Date

October 8, 1997

Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

1-18-02 B364

of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: B364INMATE'S NAME: GARNES, MARK NO. 24646-053 UNIT BB

- Specific Complaint: STAFF THREATS BY CMS GENERAL FOREMAN MELLINGER AS TO MY BEING TARDY I EXPLAINED ENTITLEMENTS TO EAT & TO CONDUCT MY PRAYERS.
- Relief Requested: should tardiness be invalid place me in SHU & not with threats of such with INTRUCTIONS (CODE 307). Time allotted does not permit me to eat & pray which is being neglected.
- Date/Time Complaint received from inmate: 1-18-02 4:27 p.m.

4 Date/Time Informally discussed with inmate: 1-25-02 7:40 am

Staff Response: INMATE STATED THAT ISSUE WAS "PARTIALLY RESOLVED, HOWEVER THERE IS NO RESOLUTION". INMATE WANTS TO PROCEED TO NEXT STEP. INMATE AGREED THAT THE STAFF MEMBER WAS DOING HIS JOB.

Date Administrative Remedy provided: 2-1-027. Informal Resolution was was not accomplished.Inmate's Signature/Register No. 24646-053Date 1-25-02

STAFF MEMBER'S NAME &amp; TITLE

DATE 1-25-02

UNIT MANAGER'S SIGNATURE

DATE 1-25-02

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional counselors shall maintain informal resolution form for future reference. If complaint is not formally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

2-5-02  
Received by  
Being turned  
over to  
DET

12-0  
25018

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

R 2-1-02 118

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, MARK 24646-053 BB FBI ELKTON  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A- INMATE REQUEST** Upon assignment to CMS, Grievant submitted a copy to CMS Gen. Foreman Mellenger, stating that detail interfered with Grievant's morning & noon prayers (Shema & Amidah) of Grievant's religion (Judaism). Thereafter, by suggestion to find a detail that would approve, detail change would be made. Subsequently, CMS Gen. Foreman Mellenger began to question any thing Grievant did. Why wasn't I working going out on passes. I noted declining to sign safety sheets. This seemed to exasperate Mr. Mellenger. Targeting Grievant, by withholding legal work til the last man thru the metal detector. stating I held up the line. This was CRASS behavior on Mr. Mellenger's behalf. When the alarm on the detector signalled INMATES possibly had metal materials on their persons, An inmate would have to empty his pockets, pat searched, & Return thru the detector. A process that elapsed the procedure that searching minimal papers of 1 inch. This continued til Grievant ceased bringing the legal work, but harassment continued in other areas. Request appropriate Reprimand is Administered by Executive Staff.

2-4-02

DATE

Mark Darnes

SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 260755-F

CASE NUMBER:

**Part C- RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

2-21-02

PE 21

OCTOBER 0, 1997

Attachment A

7:30  
REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

B365 1-18-02

ju of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER:

B365

INMATE'S NAME: GARNES, MARK NO. 24646-053 UNIT BB

1. Specific Complaint: HARASSMENT by CMS staff, even Foreman Mellenger & [REDACTED] seemingly I'm targeted due to religious belief & ethnicity some
2. Relief Requested: Considering any little thing I do is being addressed, for the last year it is here that staff CEASE targeting me for matters that ARE narrowed to EREIVA

3. Date/Time Complaint received from inmate: 1-18-02 4:27 p.m.

4. Date/Time Informally discussed with inmate: 1-25-02 8:45am

Staff Response: INMATE STATED THAT HE VIOLATED POLICIES AND WANTED A "SHOT" INMATE DID NOT WANT TO RESOLVE THIS ISSUE.

Date Administrative Remedy provided: 2-1-02

7. Informal Resolution was / was not accomplished.

Inmate's Signature/Register No. M. Da 24646-053

Date 1-25-02

STAFF MEMBER'S NAME &amp; TITLE

DATE

UNIT MANAGER'S SIGNATURE

DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional counselors shall maintain informal resolution form for future reference. If complaint is not formally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

P.E. 202

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

*Handwritten:* 2-1-02 115

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, Mark 24646-053 143 FCI-ELKTON  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST GRIEVANT SUBMITS HERE THAT COUNTLESS CASE LAW EXIST WHERE STAFF'S ACTIONS HAS DENOUNCED SAID INTEGRITY. MR. MELLENGER'S POTENTIAL FOR SOUNDNESS TO HIS INTEGRITY EXIST. COLE V. JOHNSON, 861 F2d 943 (CA6, 1988). WITH GRIEVANT RECEIVING UNUSUAL COMMENTS FROM INMATES OF CAUCASIAN PERSUASION, SUGGESTING SYMPATHIZERS WITH MR. MELLENGER'S PERSONAL ANIMUS AGAINST/OPPOSING GRIEVANT'S ETHNIC & RELIGIOUS BELIEF (JUDAISM-"BLACK JEW") POSITS SAID QUESTIONING OF MR. MELLENGER'S INTEGRITY. WITH A SHUTDOWN OCCURRING ON 1-25-02 BY UNIT BB OFFICER SKILLGOTT, WHICH LASTED OVER AN HOUR, PLAUSIBLY DICTATES THAT GRIEVANT CAN BE FRAMED BY STAFF AS WELL. PARTICULARLY, ATTENTION WAS GIVEN TO GRIEVANT'S ASSIGNED AREA & PROPERTY. REQUEST REPRIMAND IS AFFORDED BY EXECUTIVE STAFF. GRIEVANT STATES HE IS NOT SUICIDAL, AS TO DEATH OCCURRING & LABELLED ACCIDENTAL, AS SUCH HAS OCCURRED IN THE B.O.P. NOTIFICATION TO SENTENCING JUDGE KORMAN TO CONDUCT THOROUGH INQUIRY SUCH DEATH OCCUR

2-4-02

DATE

*Handwritten Signature: Mark GARNES*

SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 24646-053

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: 2-21-02

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

*Handwritten:* P.E. 03



OCTOBER 8, 1997

Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

B359 R 1-4-02

ju of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: B359INMATE'S NAME: GARNES, MARK NO. 24646-053 UNIT BB1. Specific Complaint: DENIAL of Religious Practices 28 CFR Sec (2)  
R.S. 536.07(1)(B)2. Relief Requested: Request Job change which permits morning & noon  
PRAYERS (SHEMA & AMIDAH) to be CONDUCTED Appropriately3. Date/Time Complaint received from inmate: 1/7/02 10:50am4. Date/Time Informally discussed with inmate: 1/15/02 6:48pm

Staff Response: As of 1-05-02 I HAVE NOT RECEIVED A  
COP-OUT FROM YOU FOR A REQUEST TO CHANGE DETAILS  
TO A PM WORK SCHEDULE. SUBMIT A COP-OUT TO THE  
AFC COUNSELOR WITH DETAIL SUPERVISOR SIGNATURES.

Date Administrative Remedy provided: 1-16-02 AND IF THE7. Informal Resolution was (was not) accomplished.

Mark Darns, 24646-053  
Inmate's Signature/Register No.

Date

1-15-02

DETAIL IS  
AVAILABLE AND  
NOT FULL & WILL  
ATTEMPT TO MAKE  
THE CHANGE FOR  
YOU

STAFF MEMBER'S NAME &amp; TITLE

DATE

UNIT MANAGER'S SIGNATURE

DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional counselors shall maintain informal resolution form for future reference. If complaint is not formally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

R 2-1-02 116

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, Mark 24646-053 BB FCE ELTON  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST Grievant submits matter partially resolved due to detail change, permitting grievant to conduct his morning & noon prayers (SHEMA & AMIDAH). As result of detail at CMS prior to, Grievant's tardiness is justified by entitlement to eat & to conduct as much of the MISSED PRAYERS within prescribed time allotted for lunch break. PRAYERS BEING MADE UP DAILY PRECLUDED GRIEVANT FROM REACHING CMS before the gates closed. However, the WARDEN, BEING MADE AWARE of this matter, also the captain & A.W.P. failed to interfere per 28 CFR SECS. 548.10 & 551.90. With the constant threats from CMS GEN. FOREMAN MELLINGER intensifying, I suggested he place me in SHU, instead of attempting to intimidate me with threats of infractions & SHU to which I was being deprived of my religious practices & belief IN ACCORD TO THE CONSTITUTION, there with the CMS assignment. Considering the damage has been done, compensation cannot be awarded via EXECUTIVE OR ADMINISTRATIVE REPRIMAND. FOR THE MATTER WOULD WAIVE UPON PLAINTIVE INSTRUCTIONS RELATIVE TO MR. MELLINGER'S PREDILECTION OPPOSING MY RELIGIOUS PRACTICES & BELIEF, PLAINLY GRIEVANT'S ethnicity.

2-04-02

DATE

Mark Garnes

SIGNATURE OF REQUESTER

## Part B- RESPONSE

3/11/2002

DATE

R.L. Morman

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 246468-F1

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

2-21-02

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

P.E. 25

## REQUEST FOR ADMINISTRATIVE REMEDY PART B - RESPONSE

Remedy I.D.: 260768-F1

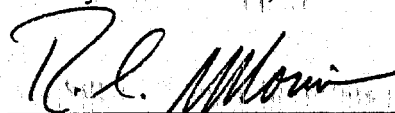
This is in response to your Request for Administrative Remedy received February 21, 2002, in which you make a complaint that your previous detail supervisor attempted to intimidate you with threats of infractions and placement in the Special Housing Unit due to your tardiness in reporting to your assigned work detail.

Investigation into this matter reveals that you had incurred some difficulty in reporting to your work detail at an appropriate time. You indicate that your participation in your religious practice of conducting morning prayers prohibited you from reporting to the Mechanical Services detail at the requested time. Thereby, your detail supervisor made comment to you that you were to report to your work detail at the appropriate time and that tardiness would not be tolerated. At which time your detail supervisor was made aware of the conflict you had incurred as the allotted time was not conducive to your religious practice of conducting morning prayers.

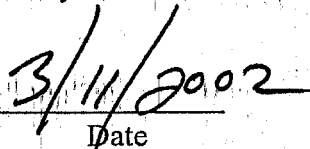
Program Statement 5360.08, Religious Beliefs and Practices, states that "if the religious tenets of an inmate's faith are violated or jeopardized by a particular work assignment, a different work assignment ordinarily shall be made after it is requested in writing by the inmate." Upon your detail supervisor being made aware of the conflict with your religious practices of conducting morning prayers, a change of your work detail was completed to accommodate your religious beliefs and practices. In regards to comments made by the Mechanical Services detail supervisor in his attempts to promote a responsible work practice of reporting to your detail at an appropriate time, in your Informal Resolution Form you acknowledge that the detail supervisor was "doing his job." Within your Request for Administrative Remedy, you do not request any administrative remedy relief. Additionally, your Informal Resolution cites that there is no resolution. Program Statement 1330.13, Administrative Remedy Program, states that "Inmates have the responsibility to use this Program in good faith and in an honest and straightforward manner." Staff have made good faith efforts to resolve your concerns.

**Based on the above, your Request for Administrative Remedy is neither denied nor granted but is for informational purposes only.**

If you are dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Northeast Region, U. S. Custom House, 7<sup>th</sup> Floor, 2<sup>nd</sup> and Chestnut Streets, Philadelphia, Pennsylvania 19106, within 20 calendar days of the date of this response.



R. L. Morrison, Warden



Date

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

*M* 2-1-02 117

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, MARK 24641-053 BB FBI-ELKTON  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST - Greivant submits here that on assignment to CMS, Greivant refused to sign safety sheets, thus waiving responsibility unto the Bureau of Prisons (FBI ELKTON). Ms. Weiner was present with the General Maintenance Supervisor, when Greivant expressed his religious practices precludes him from waiving such responsibility. Noting, Greivant stated his religion was JUDAISM. On Jan. 18th, 2002, Greivant had a callout for Dental, Ms. Weiner stated a truck was on the compound, I couldn't leave. However, other CMS inmates were able to meet their 9:00 AM callouts. CMS Weiner had furthered harassment by ordering Greivant to cut his legal work down. Simplified. On the following day an additional order, same matter was given by another CMS staff, subsequent Greivant discontinued bringing his legal work to avoid further interaction. An order, direct was never given to discontinue bringing legal work, policy was not violated by disobeying an order. These matters were set to harass Greivant due to his religious belief. Greivant Request appropriate reprimand by executive staff.

2-4-02  
DATE

Mark Darnes  
SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 260753-F1

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: 2-21-02

PE 27



October 8, 1997

Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

DB373 1-24-02

of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: B373

INMATE'S NAME: GARNES, MARK NO. 24646053 UNIT B8

1. Specific Complaint: Harassment by CUS staff, Ms. Weiner, seemingly targeting grievant due to religious belief & ethnicity
2. Relief Requested: Considering any little thing grievant does, is being addressed over the week, it is hope that staff cease harassment that are narrowed to grievant

3. Date/Time Complaint received from inmate: 1-24-02 1:55 pm

4. Date/Time Informally discussed with inmate: 1-25-02 8:27 AM

Staff Response: Inmate stated that he ~~has~~ violated two policies and that he wanted Ms. Weiner to write him a shot. Inmate did not want to resolve this issue, when asked if he wanted to be treated different from the other inmates assigned to FALC, he stated "NO"

Jate Administrative Remedy provided: 2-1-02

7. Informal Resolution was was not accomplished.

m. d. 24646053  
Inmate's Signature/Register No.

1-25-02  
Date

FAC, MGR  
STAFF MEMBER'S NAME & TITLE

1-25-02  
DATE

[Signature]  
UNIT MANAGER'S SIGNATURE

1-25-02  
DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being received, Correctional counselors shall maintain informal resolution form for future reference. If complaint is not formally resolved, forward original resolution form, attached to administrative remedy, to the Cleveland District Clerk.

PE.28



U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

2-1-02 114

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: GARNES, MARK 24646-053 BB FCI - ELKTON  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST GREIVANT submits that CMS staff WEINER'S initiating retaliation due to complaints filed. To which, inmates & correctional staff have commented to said filings, GREIVANT being a "Trouble Maker", directly from CMS MGR. RANU that GREIVANT is playing "GAMES", attempting to intimidate GREIVANT with the AREA of Racist groups in this compound, GREIVANT has INCURRED IN PASSING "BLACK JEWS CAUSE MORE PROBLEMS", suggesting Mr. WEINER has alerted said persons of these groups, sympathizing with her, to GREIVANT'S filings. COLE V. JOHNSON, 861 F.2d 943 (CA6, 1988), clearly demonstrates ACTIONS of inmate sympathizer. GREIVANT HERE submits that appropriate administrative reprimand is ACCORDED herewith. IN addition, C.O. Seilbert, on 1-25-02, by RANDOM selection or by suggestion of staff conducted a SHUTDOWN of GREIVANT'S assigned cubicle AREA, which carried on from 6:00 PM to 7:15 P.M., beyond the average time frame of a single cubicle shutdown, however, consistent with a mass unit shutdown by a third of the time. whether this shutdown was on behalf of CMS WEINER'S proposal is not known, strange this shutdown occurs on the evening of the day resolution was sought. concluding, GREIVANT notes he is not suicidal, that is should accidental death occur by GREIVANT being placed in SHU. sentencing JUDGE KORMAN has been given notice that a thorough inquiry be conducted in case death occurs GREIVANT.

2-4-02  
DATE

Mark Darnes  
SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 360760-71

## Part C- RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

2-21-02  
DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

P.E. 29

ELK 1330.13A  
October 8, 1997  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1167

INMATE'S NAME: Garnes, Mark NO. 24646-053 UNIT FB

1. Specific Complaint: Preferential Treatment, Discrimination, Retaliation by CSW Sweeney was deliberate, in that targeting Grievant to attend Town Hall Meet

2. Relief Requested: Administrative Reprimand appropriated according to other inmates excluded  
P.S. 3420.08, Attachment A. - This matter occurred on 2-20-02

3. Date/Time Complaint received from inmate: 5-6-02 7:00 PM

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: CASE MANAGER STATED THAT INMATE IS BEYOND DEADLINE FOR ADMIN. REMEDY.

6. Date Administrative Remedy provided: 5-8-02

7. Informal Resolution was / was not accomplished.

Mark Garnes 24646-053  
Inmate's Signature/Register No.

5-9-02  
Date

[Signature]  
STAFF MEMBER'S NAME & TITLE

5-9-02  
DATE

[Signature]  
UNIT MANAGER'S SIGNATURE

5-15-02  
DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

If complaint is informally resolved before being accepted, Departmental Counselors should file this informal resolution form for future reference. If complaint is not resolved, the form should be forwarded to the appropriate authority for review.

M. GARIVES  
24646-053  
SHU

2/21/02

MR. SWEENEY:

Request 4 BP9s to Remedy ID  
260753-FI & 260755-FI. 3 BP8s to  
Remedy, Discrimination. 2 BP IDs for  
260760-FI & 260759-FI (4 copies of  
latter 2)

Received this request from

1/M Cornes on 2/26/02 at 5:00  
P.M.

J. E. Lamm, U/M.



U.S. Department of Justice

Federal Bureau of Prisons

*Federal Correctional Institution  
Elkton, Ohio 44415*

Date: April 17, 2002

Reply To

Attn Of:

*[Signature]*  
R.L. Morrison  
Warden

Subject: Inmate Request to Staff Member Response

To: Garnes, Mark  
Reg. No. 24646-053  
Unit F/B

This is in response to your Inmate Request to Staff Member dated March 1, 2002, in which you state that your Case Manager would not provide you with an Administrative Remedy form.

Institutional Supplement 1339.13, Administrative Remedy Program, states that Correctional Counselors have been delegated the task of providing Administrative Remedy Forms to inmates. Case Managers have not been assigned the responsibility of processing inmate Administrative Remedies. It appears that you did not follow the established procedures in your attempts to obtain your Administrative Remedy forms. In the future, you should direct your request to your Correctional Counselor.

I trust this information addresses your concerns regarding this matter.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 17, 2002

*A. F. 1015*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
ELKTON FCI

TO: *for* MARK GARNES, 24646-053  
ELKTON FCI UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O.BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 268019-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : MAY 17, 2002  
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.

REMARKS : DO NOT RESUBMIT AT INSTITUTION.



U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

1167 SLS

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Garnes, Mark</u>	<u>24646-053</u>	<u>FB</u>	<u>FCI Elkton</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

**Part A- INMATE REQUEST** This matter is not beyond the deadline, per F.S. 1330.13, 7( a), where greivant attempted to have CSW Sweeney on 2-21-02, to present greivant with EP 8 so that matter may be pursued. Again this request was made to CCC Smith some days later (See EP 292 - Staff Sign In Form). To which an extension may be granted per P.S. 1330.13, 8(b). It is here that CCC Smith noted to Greivant that upon conclusion of DHD Hearing, Greivant may pursue the issue, explanation was given to CCC Smith that this matter was unrelated to the incident report. To which, Greivant was denied BP 8. Upon release from SHU on 4-3-02, Greivant submitted this matter at the nearest convenience, considering such was held by UM Milton from on or about 4-8-02, thereafter noting a time and date must be applied therewith. Per 1330.13, 8(b)-"AN EXTENDED PERIOD OF TIME DURING WHICH THE INMATE WAS PHYSICALLY INCAPABLE OF PREPARING A REQUEST OR APPEAL; AN UNUSUALLY LONG PERIOD TAKEN FOR INFORMAL RESOLUTION ATTEMPTS." To which, verification, therewith this section of program statement, may be obtained from the BP 292, also the appended request made to Unit BB Team Members. Where administrative reply notes CCC Smith was the appropriate staff to request informal resolutions and administrative remedies applications. P.S. 1330.13, 8(c)(1), ordinarily Counselor is the staff to obtain said forms. However, under extraordinary circumstances, institution staff may appropriate these forms. Endeavor to hinder Greivant from filing complaint is an act of retaliation and discrimination for initiating this actions here held and previous greivances. Greivant request resolution to pursue these matters without hinderance or interference by CSW Sweeney, UM Milton, or any other staff directly or indirectly affiliated with said persons, personally or within the containment of their professional capacities.

May 9th, 2002

DATE



SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 268019-F1

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

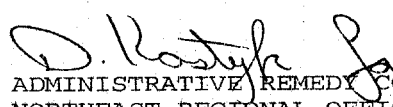
Return to: _____	_____	_____	_____
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

SUBJECT: 5-17-02

P.E. 34

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 19, 2002

  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : MARK GARNES, 24646-053  
ELKTON FCI UNT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O.BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 268019-R1 REGIONAL APPEAL  
DATE RECEIVED : JUNE 11, 2002  
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS  
(BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED  
ABOUT.

REMARKS : THIS OFFICE AGREES WITH INST., YOU FILED UNTIMELY.

U.S. Department of Justice

## Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: <u>Garnes, Mark</u>	<u>24646-053</u>	<u>FB</u>	<u>FCI Elkton</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

**Part A—REASON FOR APPEAL** Greivant submits here that this matter here appealable is not untimely per P.S. 1330.1, 8(b). Request for memorandum to support fact that Greivant was detained in Segregation, impeding filing of complaint. Attempts to retain BP-8 from Unit Team Members were ignored, to which, precluded Greivant from filing this matter more timely. UM Milton (Unit FB) withheld the filed BP 8 upon Greivant's release from SHU, thus, furthering impeding the filing of said complaint. These actions are deliberate by staff members thereof the Unit B and Unit F Teams, to which, the concerns are to keep the records of staff members CCC Smith, CSW Sweeney clear of complaints.

Resolution requested, that this matter is permitted to be filed at the institution level, appropriate reprimand is executed, and Greivant receives no further harassment from UM Milton or other staff members, retaliatory or otherwise for the filing of complaints. Also, that Greivant is permitted to file complaints without staff interference thereby circumventing the complaints filed upon submission from Greivant.

May 20th, 2002

DATE

Mark A. Garnes  
SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 268019-R**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: _____	_____	_____	_____
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

SUBJECT: \_\_\_\_\_

P.E. 36

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 15, 2002

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
BOP CENTRAL OFFICE

TO : MARK GARNES, 24646-053  
ELKTON FCI UNT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O.BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 268019-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : JULY 12, 2002  
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS  
(BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED  
ABOUT.

REMARKS : WE CONCUR WITH THE INSTITUTION'S & REGIONAL OFFICE'S  
RATIONALE FOR REJECTING YOUR APPEAL.

Department of Justice

## Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Garnes, Mark 24646-053 FB FCI Elkton  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A—REASON FOR APPEAL** This matter should not be deemed as untimely, as the matter was addressed in a timely manner. This incident occurred on 3/31/02, Grievant submitted an informal resolution on 4/15/02. Within the 20 day period this matter was filed. Again this matter was submitted due to Chaplain Cozzen refusing to reply thereon the BP 8, delaying the submission of the BP 9. Grievant submits here that the matters here are being circumvented to prevent resolution(s) appropriated. This unethical conduct should not be tolerated, with endeavors to deter Grievant from filing. Resolution requested that such conduct as circumventing Grievant's complaints when they are well within the time period. Chaplain Cozzens is reprimand for continuous acts of denial, retaliatory conduct, and staff responsibilities as the institution's chaplain, meaningfully to serve the religious organizations here at FCI Elkton.

July 1st, 2002  
 DATE

Mark Garnes  
 SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 268019**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF REQUESTER OF GENERAL COUNSEL

RE 38



ELK 1330.13A  
October 8, 1997  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1169

INMATE'S NAME: GARNES, MARK NO. 24646-053 UNIT FB

1. Specific Complaint: On or about 4-9-02, Grievant submitted 2 BPRs to CCC Stonebreaker on 4-9-02. Grievant was summoned to UM Milton's office to discuss the issues.

2. Relief Requested: UM Milton ceased endeavors to interfere with Grievant's filing complaints with no repercussions to ensue (NEXT PAGE)

3. Date/Time Complaint received from inmate: 5-8-02 7:30 AM

4. Date/Time Informally discussed with inmate: 5-10-02

5. Staff Response: This inmate has misinterpreted the session in which the discussion took place. The intent was to determine the inmate's psychological state via counseling session to determine inmate appropriateness for FCI-Elkton

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

Mark Darnes 24646-053  
Inmate's Signature/Register No.

5-13-02 (Rec'd)  
Date

STAFF MEMBER'S NAME & TITLE

DATE

UNIT MANAGER'S SIGNATURE

DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

BP ~8

2 of 2

Mark GARNES  
24646-053  
FB

These issues pertained to CCC Smith preventing Greivant from filing grievances. UM Milton stated he'd look into the matters, the second being CSW Sweeney's discrimination towards Greivant. Per P.S. 1330.13-8(a), Greivant had 20 days to address the issues, to be extended per P.S. 1330.13-8(b), which UM Milton noted he'd seek obtaining memos permitting continuance to file. To date, these matters have not been addressed by UM Milton unto Greivant.

On 4-30-02, Greivant was summoned to UM Milton's office once again, this session pertaining to Greivant's filing of complaints. In short, Greivant was depicted, comparably as a nuisance, with denotings that these matters would not be changed/resolved. In light of this discussion, UM Milton's intentions were to intimidate Greivant, thereby resulting, ~~intending~~ to discourage Greivant from pursuing further complaints. UM Milton's action are unprofessional per P.S. 3420.08.

Greivant may seek resolution to any issue relevant to his imprisonment. P.S. 1330.13-1.

Considering UM Milton's assertions on dates herewith, Greivant suffers no retaliations by UM Milton or fellow staff for the filing of complaints. There should be no shaming or reprimanding of inmates for filing grievances. Should such a word occur that Greivant's complaints are being addressed, per P.S. 3420.08, it is per given upon request without further action.



U.S. Department of Justice

Federal Bureau  
of Prisons

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*Federal Correctional Institution  
Elton, Ohio 44415*

Date: May 9, 2002

Reply To  
Attn Of: R. E. Milton  
Unit Manager

Subject: Continuation 8 ½

As Unit Management we have the responsibility to determine inmate programs and encourage pro-social institution and community behaviors that benefit Inmates, Staff, Victims, and Society. This is accomplished through functional Unit Management and effective interaction.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 5, 2002

  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : MARK GARNES, 24646-053  
ELKTON FCI UNIT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O.BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 269270-R1 REGIONAL APPEAL  
DATE RECEIVED : JULY 2, 2002  
SUBJECT 1 : ADMINISTRATIVE REMEDY PROCEDURES  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)  
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM  
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME  
INCLUDES MAIL TIME.

REJECT REASON 2: SEE REMARKS.

REMARKS : THIS OFFICE AGREES WITH INST. THAT YOU FILED  
UNTIMELY.

## U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

1169 SLS

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Garnes, Mark</u>	<u>24646-053</u>	<u>FB</u>	<u>FCI Elkton</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

**Part A- INMATE REQUEST** Greivant submits here that UM Milton has circumvented this matter suggesting the "session" was to determine Greivant's state of mind. Greivant has no psychological problems relevant to be treated by the psychology department. All discussions primarily pertained to Greivant filing complaints against former Unit Team Members (Unit B), to which, UM Milton said the filing would not change anything, surely with Greivant's continuance as a nuisance, it would certainly not be addressed. Overall, UM Milton's manner of speaking with Greivant on these matters were endeavors to intimidate, demean, and discourage Greivant from filing these grievances. It was not until this filing that UM Milton returned grievances submitted to him upon Greivant's released from SHU on or about April 8th, 2002. Per P.S. 3420.08, UM Milton should attempt to intimidate, demean, or interfere with Greivant's rights to file complaints. Greivant request that no further harassment occurs, nor antagonistic remarks by UM Milton towards Greivant is tolerated. Seemingly, UM Milton increased this behavior upon receiving the BP-8 Complaint attempting to provoke a revolutionary spirit therefrom Greivant, to which Greivant ignores seeing the tactic/approach thereof UM Milton. That Greivant is permitted to file complaint per P.S. 1330.13(1).

May 20th, 2002

DATE



SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 2464270-F

CASE NUMBER:

**Part C- RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

P.E. 4



U.S. Department of Justice

## Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Carnes, Mark 24646-053 FB FCI Elkton  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A—REASON FOR APPEAL** This matter has been deemed untimely, to which, Grievant submitted this matter within a timely manner. Staff has circumvented the dates to denote an untimely filing/submission thereof the BP 8. FCI Elkton's practices for Administrative filings of grievances goes beyond the policy, creating their own manner of operations and procedures. This facility being contracted by private entity seeks to maintain a minimal record of filed complaints against staff. Thus, creating discriminatory practices thereby ploys and stratagems. Accordingly, the P.S. 1330.13(a) does not inscribe a time period thereof filing informal resolution. Grievant here filed the BP 8 well after the meeting with UM Milton (FB), within reasonable time. Considering the ACA was auditing the institution during that time period, staff here elected to disregard grievant's complaint til completion of audit, therewith the Program Review. In accord to 28 CFR § 542.14(a), grievant filed the BP 8 within the prescribed time. Discrimination to circumvent a right constituted should not be tolerated, on the premises of P.S. 1330.13(1). Grievant request for resolution herewith that appropriate reprimand and procedures for filing grievants per P.S. 1330.13 are not interfered thereby circumvention with dates being altered or implied to bypass the prescribed periods. Reprimand as to UM Milton's actions towards greivant endeavoring to intimidate . P.S. 3420.09(9)(c)(2) and (4) with regard to (c)(5) being applied. UM Milton failed to report this conduct to the CEO of FCI Elkton.

\*This matter may be tardy due to Copy Machines inoperable over the last couple of weeks. Confirmation may be confirmed by Ms. Clegg (Ed. Dept.) & Unit Team (FB)

June 19th, 2002  
 DATE

Mark A. Carnes  
 SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 269270-R**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_  
 P.C. 44

ELK 1330.13A  
October 8, 1997  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1160

INMATE'S NAME: GARNES, MARK NO. 24646-053 UNIT FB

1. Specific Complaint: Discrimination: Chaplain GAZZENS placed a religious book in flooded water consisting of defecation & URINATION on 3/31/02 during the Passover, thus desecrating the material  
2. Relief Requested: Administrative Reprimand thereof by P.S. 3470.08 (ATTACHMENT A)

3. Date/Time Complaint received from inmate: 4-17-02 7:30 AM

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: \_\_\_\_\_  
\_\_\_\_\_

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

Inmate's Signature/Register No. \_\_\_\_\_

Date \_\_\_\_\_

STAFF MEMBER'S NAME & TITLE \_\_\_\_\_

DATE \_\_\_\_\_

UNIT MANAGER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed FD-9 including any attachments must be submitted with this appeal.

From: Garnes Mark 24646-053 FB FCI Elkton  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A--REASON FOR APPEAL** Policy Statement 1330.13(7)(a) attempted to informally resolve this matter thereon or about April 15, 2002, some 16 days after the occurrence. This matter was re-addressed due to Chaplain Cozzen's failure to forward the EP 8 back to Counselor Stonebreaker (Unit B). Within the allotted time, Grievant submitted a EP 8 regarding this matter (Here appended). The time frame within which Grievant has addressed these matters are not untimely, according to P.S. 1330.13(8)(a) permits 20 days for submission. Grievant here submitted complaints within that time frame. March 31st, 2002 is when the initial incident occurred, upon release from SHU on April 3rd, 2002, Grievant obtained a EP 8 from Counselor Stonebreaker submitting therewith incident of 3/31/02 on or about April 15th, 2002. Chaplain Cozzen's attempted to resolve occurred on or about April 18th, 2002. With no Staff Response inscribed thereon the EP 8, Ms. Stonebreaker returned the EP 8 advising Chaplain Cozzen's he must give a response. To date, Chaplain Cozzen has not complied. Attempting to resolve this matter in his own fashion, Chaplain Cozzen forward a Haggadah Pamphlet to Counselor Stonebreaker, as I explained in the religious material's purpose had passed, thus Chaplain Cozzen's interfering with Grievant's religious practices was irreparable. Grievant request resolution thereby Chaplain Cozzen responding appropriately to submitted Grievances without delay or hindrance, that no further actions of interference with religious practice are not encompassed by Chaplain Cozzen's, which seems to continue with a matter of late, to which, in short, Chaplain Cozzen has noted that the Jewish Prayer Book is not mandatory nor necessary for religious practice. Furthermore, that appropriate reprimand is administered for the actions of Chaplain Cozzen's.

June 5th, 2002

DATE

Mark Garnes  
 SIGNATURE OF REQUESTER

**Part B--RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received at the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 269264-R1**Part C--RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_ PE 46

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 19, 2002

*D. K. Taylor Jr.*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO: : MARK GARNES, 24646-053  
ELKTON FCI UNIT: UNIT F QTR: FC7-035U  
2730 SCROGGS ROAD P.O. BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 269264-R1 REGIONAL APPEAL  
DATE RECEIVED : JUNE 12, 2002  
SUBJECT 1 : RELIGIOUS PROGRAMS - (EXCEPT FOOD/DIETS/MEALS), ACCESS TO  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)  
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM  
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME  
INCLUDES MAIL TIME.

REJECT REASON 2: SEE REMARKS.

REMARKS : THIS OFFICE AGREES WITH INSTITUTION THAT YOU FILED  
UNTIMELY.

PE.47

ELK 1330.13A

October 8, 1997

Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1168

INMATE'S NAME: GARNES, Mark NO. 24646-053 UNIT FB

Specific Complaint: On or about 4-18-02, Chaplain Cozzens attempted to resolve informal Resolution submitted on 4-17-02, Grievant declined signing with matter "Not -> Relief Requested: Chaplain Cozzens returned B.P. 8 filed on 4-15-02, so Grievant may pursue matter administratively. (Next Page)

Date/Time Complaint received from inmate: 5-8-02 7:30 AM

Date/Time Informally discussed with inmate: 5-14-02

Staff Response: MR. COZZENS TALKED TO Inmate, Incident Happened Approximately 3-31-02, while Inmate WAS IN SHU.

Date Administrative Remedy provided: 5-14-02

Informal Resolution was / was not accomplished.

Mark A. Barnes  
Inmate's Signature/Register No.

5-17-02  
Date

[Signature]  
STAFF MEMBER'S NAME & TITLE

5-20-02  
DATE

[Signature]  
UNIT MANAGER'S SIGNATURE

5-28-02  
DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

RE-48



Resolved." Upon returning aforementioned, to CCC stonebreaker, said informal resolution was returned to chaplain Cozzens for "staff response." Chaplain sought to compensate Greivant with <sup>reparative</sup> religious book desecrated. Greivant refused to accept from CCC stonebreaker this religious material. As explained to Chaplain Cozzens, the damage had been committed, which was irreparable due to the religious observance lapsing.

Chaplain Cozzens' actions were deliberate, discriminatory, violative of Greivant's right to due process & religious freedom to be exercised without interference. P.S. 1330.13-1; P.S. 5360.08; INST. SUPP. 5360.0888

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 3, 2002

*A. Fusco*  
FRQM: ADMINISTRATIVE REMEDY COORDINATOR  
*for* ELKTON FCI

TO: MARK GARNES, 24646-053  
ELKTON FCI UNT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O. BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 269264-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : JUNE 3, 2002  
SUBJECT 1 : RELIGIOUS PROGRAMS - (EXCEPT FOOD/DIETS/MEALS), ACCESS TO  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

1168 SLS

*Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.*From: Garnes, Mark24646-053FBFCI Elkton

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

**Part A- INMATE REQUEST** Greivant submits here that Chaplain Cozzen has interfered with Greivant right to file complaints per P.S. 1330.13(1), therewith the Fifth Amendment of the U.S Constitution, thus, violating Greivant's rights to Religious Practices, freely, without impediments from prison staff or others. Greivant filed a BP 8 against Chaplain Cozzen on or about April 17th, 2002, attempting to resolve this matter thereon or about April 18th, 2002, Greivant explained to Chaplain Cozzen that the damage was done, the religious pamphlet (Hagadah) could not be accepted nor read for the PASSOVER due to the act of desecration committed by Chaplain Cozzen. Where this matter, material, was slid under the door of a cell in SHU during a flood of urination, defecation, and drainage for the sewage system therein SHU. Attempting to replace this pamphlet with a new one was beyond the time frame and necessity according to religious practice. Chaplain Cozzen refused to abide by the procedural process of signing the BP 8, encircling "Not Resolved" nor returning said form upon CCC Stonebreaker returning said form to Chaplain Cozzen for these specific reasons. To date, Chaplain Cozzen has not returned this complaint, thus, impeding upon Greivant's right to file any matter pertaining to this confinement. Resolution requested, that Chaplain Cozzen return the BP 8 with the signature, "Not Resolved" thereon with date. That no further interference with Greivant's filing, should it come to this matter ever again pertaining to Chaplain Cozzen is hindered.

May 20th, 2002

DATE

Mark A. Garnes

SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

*If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.*

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 269264-FI

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

6-3-02

DATE



RECIPIENT'S SIGNATURE (STAFF MEMBER)

P.E. 51

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: <u>Garnes, Mark</u>	<u>24646-053</u>	<u>FB</u>	<u>FCI Elkon</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

**Part A—REASON FOR APPEAL** This matter should not be deemed as untimely, with Grievant's diligence to obtain informal resolution forms via request (written) to Unit FB Staff, such being ignored, submission of same to executive staff, deterring the matter by stating counselor's duties are to service inmates with such. However, an inmate housed in SHU, as Grievant during this time was without daily contact with Counselor Smith, upon CCC Smith coming to SHU, Grievant continued these requests. CCC Smith refused to give Grievant informal resolutions to address matters. These actions were deliberate to prevent Grievant from addressing grievances. In request for supporting memorandums, Grievant was refused such. Impediments by Staff have caused this matter to go beyond the time periods, such is not on account of Grievant who sought diligently to have these matters addressed in timely fashions according to F.S. 1330.13. Resolution requested that these matters are addressed accordingly without retaliatory actions by staff. That Staff Members noted therein the appended are reprimanded due to these unethical practices. The BP 292s from Grievant Housed in SHU shall illustrate Unit Team Members visiting SHU, SHU Sign-Ins being each occasion Grievant requested for BP 8s, BP 9s to submit complaints, to no avail were these submissions, verbally due to cop-outs submitted or written, acknowledged with fulfillment.

July 1<sup>st</sup>, 2002  
DATE

Mark Q. Garnes  
SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

ORIGINAL: RETURN TO INMATE

JUL 12

GENERAL COUNSEL

CASE NUMBER: 269264**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: _____	_____	_____	_____
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

P.E. 52

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 15, 2002

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
BOF CENTRAL OFFICE

TO : MARK GARNES, 24646-053  
ELKTON FCI UNIT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O. BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 269264-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : JULY 12, 2002  
SUBJECT 1 : RELIGIOUS PROGRAMS -- (EXCEPT FOOD/DIETS/MEALS), ACCESS TO  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.

REJECT REASON 2: SEE REMARKS.

REMARKS : WE CONCUR WITH THE INSTITUTION'S & REGIONAL OFFICE'S RATIONALE FOR REJECTING YOUR APPEAL.

P. 53



ELK 1330.13A

October 8, 1997

Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1161

INMATE'S NAME: GARNES, Mark NO. 24646-053 UNIT FB

1. Specific Complaint: Discrimination: Seg. Housing Unit, deprived me of practicing religious customs. PRAYER BOOK (STODOL) was not permitted upon issuing property, disallowing my PRAY

2. Relief Requested: Administrative change in SHU policy on property, permitting religious materials to be issued. to be conducted properly

3. Date/Time Complaint received from inmate: 4-17-02 730A/12

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: \_\_\_\_\_

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

Inmate's Signature/Register No. \_\_\_\_\_

Date \_\_\_\_\_

STAFF MEMBER'S NAME & TITLE \_\_\_\_\_

DATE \_\_\_\_\_

UNIT MANAGER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

PE 54

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Garnes, Mark 24646-053 FB FCI ELkton  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A—REASON FOR APPEAL** Institutional Supplement ELK 5580.053 and Policy Statement 5580.08 are guidelines to what is authorized for inmates detained in SHU. FCI Elkton's Instit.

Supplement omits religious prayer books, religious medallions, religious books, pamphlets, etc. Literature that is pertinent and prescribed thereby religious tenets. In the case of grievant, deprivation to practice religious faith while detained in SHU was denied, the requested prayer book (Siddur) was indeed softcover, also, request for the religious guide for grievant's faith was softcover. Per Warden Morrison's reply to this Administrative Remedy, upon consulting Chaplain Cozzen, these materials are not required nor mandatory. This matter goes beyond just mere discrimination, but an outright deprivation of grievant's right to freedom of religious, to practice freely without the interruptions of staff or otherwise. The Siddur prayer book accustoms the tenets to be demonstrated while conducting the prayers (Shema-Shacharit; Amidah), the Jewish religion encompasses many prayers to be conducted throughout the day, as well during the holiday periods tenets are conducted therewith the Siddur. Religious Services are incorrect in their indications. Request no further impediments with prayers and that SHU Institutional Supplement permits religious materials. Also that Prayer Book is returned.

May 31st, 2002  
 DATE

Mark Q. Garnes  
 SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 266638-R1

**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_ P.E. 55

REQUEST FOR ADMINISTRATIVE REMEDY  
PART B - RESPONSE


Remedy I.D. :266638-F1

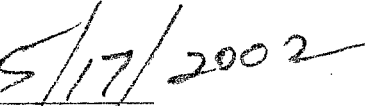
This is in response to your Request for Administrative Remedy receipted May 1, 2002, in which you allege that staff have deprived you of your freedom to practice your religious customs, such as, not providing you with the prayer book (Siddur) for your use while housed in the Special Housing Unit (SHU).

Investigation into this matter indicates that inmates housed in SHU will not be permitted hard cover books. Program Statement 5270.07, Inmate Discipline and Special Housing Units, indicates that any books entering SHU will be soft cover only. Religious Services' staff verified that the Jewish Prayer Book was not required nor mandatory in the practice of your religion.

Based on these findings your Request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Northeast Region, U.S. Custom House, 7<sup>th</sup> Floor, 2<sup>nd</sup> & Chestnut Streets, Philadelphia, Pennsylvania 19106, within 20 calendar days of the date with this response.

  
\_\_\_\_\_  
R.L. Morrison, Warden

  
\_\_\_\_\_  
Date

P.E. 58

GARNES, Mark

Reg. No. 24646-053

Appeal No. 266638-R1

Page One

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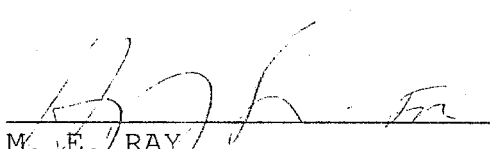
Part B - Response

In your appeal, you state your right to free exercise of religion was violated at FCI Elkton. You claim that you were not being allowed to have Jewish prayer books while housed in the Special Housing Unit (SHU). You request that these materials be allowed.

An investigation into your appeal revealed that it had been determined that the prayer book you request was not required for the practice of your religion. Upon further review and discussion with the contract Rabbi, it had been determined that the request for the prayer book was proper. You returned to the general population on April 3, 2002 and are no longer in SHU. If you were returned to SHU, upon proper request to the Chaplain, you would be allowed access to this book. To this extent, your appeal is granted.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: July 11, 2002

  
M. E. RAY  
Regional Director

P.E. 57

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

*Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.*

From: Garnes, Mark 24646-053 FB FCI Elletts  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A- INMATE REQUEST "SENSITIVE"** Chaplain Cozzen has stated that the Jewish Religion and Practices thereto are not mandatory nor acceptable at this institution. Staff (Administrative Remedy Coordinator) contacted Religious Services to confer regarding Grievant's complaint thereof Chaplain Conzzen placing a religious pamphlet under a door in SHU, which was flooded with urine and defecation. Chaplain Cozzen's response literally opposed Grievant's rights to practice his religious belief. This statement clearly evinces denial of religious customs, practices, tenets, and religion. Chaplain Cozzen, when approached by Grievant, as well, Chaplain Johnson, to conclude which Chaplain made the statement was accompanied by a fellow Jewish parishoner, Anthony Geter, 20260-016. This matter occurred on May 28th, 2002, at appoximately 12:40 p.m. Chaplain Cozzen is incorrect in "Verified" statement: "Religious Services' staff verified that the Jewish Prayer Book was not required nor mandatory in the practice of your religion." This statement is clearly discriminatory and violative of Grievant's rights to religion. Each religious sector known to man has a tome of scriptural, edification, outlining tenets to to be practiced accordingly. Also, the Siddur, Jewish Prayer Book outlines the donning of Tefillin, Tallit, when prayers are to be conducted, how they are to be conducted. Resolution requested: Chaplain Cozzen's actions are retaliatory for the filing of grievances previous hereto this matter. Appropriate executive reprimand is to be administered accordingly, that this matter of Jewish inmates cease with Chaplain Cozzen.

JUNES 14 2002 Remedy I.D.: 266638-F1 Mark Garnes  
 DATE Remedy I.D.: SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

*If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.*

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

P.E. 58





ELK 1330.13A  
October 8, 1997  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1164

INMATE'S NAME: Garnes, Mark NO. 24646-053 UNIT FB

1. Specific Complaint: Discrimination & 1st Amend. Right to Religious practice.  
Chaplain Johnson & Lt. Bolan endeavors to confiscate & deny wearing of  
religious headgear.
2. Relief Requested: Religious headgear is permitted per P.S. 5360.08 & Inst.  
Supp. 5360.08BB, with no specifics as to type, measures, or colors. No other  
religious preference targeted because of head wear. P.S. 3420.08
3. Date/Time Complaint received from inmate: 4-24-02 8:30 AM

4. Date/Time Informally discussed with inmate: 4/25/02

5. Staff Response: As a Jewish inmate, GARNES is permitted to wear a YAMULKA,  
NOT A CROWN.

6. Date Administrative Remedy provided: 4/25/02

7. Informal Resolution was was not accomplished.

M. J. Garnes  
Inmate's Signature/Register No.

4-25-02  
Date

Johnson  
STAFF MEMBER'S NAME & TITLE

4/25/02  
DATE

UNIT MANAGER'S SIGNATURE

DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

REQUEST FOR ADMINISTRATIVE REMEDY  
PART B - RESPONSE

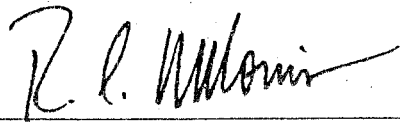
Remedy I.D.: 267252-F1

This is in response to your Request for Administrative Remedy receipted May 8, 2002, in which, you claim that you are being deprived of practicing your religious tenets freely because you are restricted from wearing a Religious Crown.

Investigation into the matter reveals that your religious preference in SENTRY is Jewish. According to Program Statement, 5360.08, Religious Beliefs and Practices, the Yarmulke (Jewish skullcap) is the Bureau of Prisons approved religious headwear for inmates of the Jewish faith. Additionally, the Contract Rabbi claims that the Yarmulke is the usual and expected headwear for followers of the Jewish faith. The religious headwear that you have requested to wear in practice of your faith is not considered a Yarmulke, but a Religious Crown. You are not being deprived of practicing your religious tenets freely by being restricted from wearing a religious crown, because it is not a requirement of the Jewish faith.

Based on these findings, your request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Northeast Region, U.S. Custom House, 7<sup>th</sup> Floor, 2<sup>nd</sup> & Chestnut Streets, Philadelphia, Pennsylvania 19106, within 20 calendar days of the date of this response.



R. L. Morrisison, Warden

6/6/2002  
Date

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

1164 SLS

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Garnes, Mark</u>	<u>24646-053</u>	<u>FB</u>	<u>FCI Elkton</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

**Part A- INMATE REQUEST** Chaplain Johnson's dictations unto what defines religious headgear is discriminatory and dictative, per PS 5360.08(15) and Inst. Supp. 5360.07BB, does not give definitives of headwear to be worn by Judaism followers. Chaplain Johnson ignores the multiple religious headwear worn by Jewish factions. See appended exhibits Restricting Greivant from wearing religious headgear other than a yarmulke is clearly discriminatory. Lt. Bowling's interference, thereby provoking Chaplain Johnson to denote the headwear as unauthorized, attempting to confiscate religious headgear further's this discrimination and personal animus of said lieutenant. Greivant has a constitutional right to freely practice the tenets and principles of Religion. Chaplain Johnson's verbal reply unto Greivant that Israelites are not Jewish continues restrictives. Webster's Dictionary's definition of a Jew is: Israelite; one whose religion is Judaism. Staff may not deprive Greivant of right to practice religious tenets freely. Resolution requested, Chaplain Johnson's restrictions of religious practices are ceased. Thus, as a result, Chaplain Johnson has infringed upon Greivant's right to freely practice religion. Punitive, damages have been imposed by the initiatives noted herewith.

May 2nd, 2002

DATE

Mark D. Garnes  
SIGNATURE OF REQUESTER

Part B- RESPONSE

6/6/2002  
DATE

R. L. Williams  
WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 207252-F

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: _____	_____	_____	_____
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

SUBJECT: 5-8-02

P. E. 61  
RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 5, 2002

  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : MARK GARNES, 24646-053  
ELKTON FCI UNT: UNIT F QTR: F07-035U  
8730 SCROGGS ROAD P.O.BOX 89  
ELKTON, OH 44415

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 267252-R1 REGIONAL APPEAL  
DATE RECEIVED : JULY 2, 2002  
SUBJECT 1 : RELIGIOUS PROGRAMS - (EXCEPT FOOD/DIETS/MEALS), ACCESS TO  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)  
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM  
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME  
INCLUDES MAIL TIME.

REJECT REASON 2: SEE REMARKS.

REMARKS : YOU PROVIDE NO STAFF VERIFICATION THAT FILING LATE  
WAS NOT YOUR FAULT.

P.E. 62

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Carnes, Mark 24646-053 FB FCI Elkton  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A—REASON FOR APPEAL** Grievant submits here that the discriminatory practices hereof Religious Practices impedes upon grievant's right to practice his religious belief freely. To which, FCI Elkton staff has limited Grievant's wearing of a yalmulke, which is ordinarily worn by the Jewish Parishoners. However, FCI Elkton's Chaplain Staff fail to realize there are several factions of the Jewish Religion other than Orthodox. As Grievant is a practicing Israelite. Headgear consisting of crowns, tams, turbans, are worn by the Israelite Jew, due to the customs attained by Israelite, one may opt to wear all or just the yalmulke. Staff here at FCI Elkton's P.S. 5360.08D proscribes the wearing of headgear beyond the yalmulke, this is discrimination and violative of First Amendment right to religion. In addition, retaliatory due to the Chaplain services disclaimment for the Jewish Community here at FCI Elkton. To which, the Jewish Community is not acknowledged with Chaplain Johnson and Cozzens, with hardship, the Jewish Community has to struggle to attain their rights to practice religion. To which, other religious groups of the Christian and Catholic Faith receive little or no problems to freely practice their religious belief. Only the Jewish, Islamic, and Pastafarian Communities. This show of favoritism should not be tolerated. PS. 3420.09(c). Resolution requested that Greivant is permitted to wear Tam, crown, or headgear relevant to religious practice as Israelite without interference thereof FCI Elkton Staff or the Chaplain Services.. That retaliatory, discriminatory actions are ceased with the Jewish Community. Appropriate reprimand is expended.

\*This matter may be tardy due to Copy Machine inoperable over last couple of weeks, this may be confirmed by Ms. Clegg (Ed. Dept) & Unit Teams (FB)

June 19th, 2002  
 DATE

Mark A. Carnes  
 SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 267252-R1**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_  
 P.E. 63



ELK 1330.13A  
 October 8, 1997  
 Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
 INFORMAL RESOLUTION FORM  
 FCI, ELKTON, OHIO

Bureau of Prisons Program Statement 1330.13 "Administrative Remedy Procedures for Inmates", states that "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: 1177

INMATE'S NAME: Garnes, Mark NO. 24646-053 UNIT FB

1. Specific Complaint: On 6-27-02, the Jewish Community conducted a religious fast. Chaplain Cozzens was responsible for insuring F/S was aware, so (Over)

2. Relief Requested: Appropriate steps to cease Chaplain Cozzens actions need to be taken to cure this on-going matter.

3. Date/Time Complaint received from inmate: 7-1-02 7:55 PM

4. Date/Time Informally discussed with inmate: July 7, 2002 10:55 A.M.

5. Staff Response: Chaplain Cozzens spoke with inmate Garnes regarding this situation. I showed him the memorandum sent to the Food Service notifying them of this fast of the day of Tammuz.

6. Date Administrative Remedy provided: July 7, 2002

7. Informal Resolution was was not accomplished.

Mark Garnes  
 Inmate's Signature/Register No.

7-7-02  
 Date

Stephen E Cozzens  
 STAFF MEMBER'S NAME & TITLE

July 7, 2002  
 DATE

UNIT MANAGER'S SIGNATURE

DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

P.E. 64

2 of 2

BP 8 - Per P.S. 5360.08 and 3420.08

Mark Garnes - Reg. No. 24646-053 - Unit FB

that the Jewish Parishoners were to receive meals accordingly.

Chaplain Cozzens Memorandum was not forward to the F/S Administrators nor F/S Staff. To which, I obtained from Chaplain Johnson thereon June 27th, 2002, at approximately 6:00 p.m. upon conflictions resulting from F/S Staff and Lt. McCandless. In addition, I spoke with Mr. Tolliver, who stated he was not aware of the Jewish Fast for this date.

Chaplain Cozzens actions towards the Jewish Community here at FCI Elkton has been consistent with denying religious practices. Administratively, there seems to be no reprimand to cure these on-going matters. Appropriate steps need to be taken for this negligence, retaliatory actions, discrimination, deprivations to practice religious beliefs according to the tenets to be cease.

P.E. 65



## U.S. Department of Justice

## Federal Bureau of Prisons

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*Federal Correctional Institution  
Elkton, Ohio 44415*

Date: June 13, 2002

Reply To  
Attn Of: Chaplain Stephen E. Cozzens

Subject: Jewish Day of Fasting

To: Wayne Ryan, Food Service Administrator

Thru: Glen K. Johnson, Chief Chaplain

The following Jewish inmates have requested a Certified Food bag lunch equaling three meals to be picked up at the dinner meal, so that they can participate in the fast on the 17<sup>th</sup> day of the month of Tammuz on June 27, 2002. Please prepare Certified Food bag lunches on the 27<sup>th</sup> of June 2002 for the following inmates:

Garnes	24646-053	F/B
Mizrahy	60444-004	C/B
Nwaebo	37951-053	E/B
Geter	20290-016	D/A
Sturman	51638-004	E/B
Tenamee	34630-037	B/B

P.E. 66



U.S. Department of Justice

Federal Bureau of Prisons

*Federal Correctional Institution  
Elkton, Ohio 44415*

Date: 6/13/02  
June 27, 2002

Reply To  
Attn Of: Chaplain Stephen E. Cozzens

Subject: Jewish Day of Fasting

To: Wayne Ryan, Food Service Administrator

Thru: Glen K. Johnson, Chief Chaplain

The following Jewish inmates have requested a Certified Food bag lunch equaling three meals to be picked up at the dinner meal, so that they can participate in the fast on the 17<sup>th</sup> day of the month of Tammuz on June 27, 2002. Please prepare Certified Food bag lunches on the 27<sup>th</sup> of June 2002 for the following inmates:

Garnes	24646-053	F/B
Mizrahy	60444-004	C/B
Nwaebo	37951-053	E/B
Geter	20290-016	D/A
Sturman	51638-004	E/B
Tenamee	34630-037	B/B

P.E. 67

Stephen Cozzens - Jewish Day of Fasting

Page 1

**From:** Stephen Cozzens  
**To:** Ryan, Wayne K.; Stiltner, Karen A.; Tolliver, Danny L.  
**Date:** 6/13/02 3:10PM  
**Subject:** Jewish Day of Fasting

**CC:** Johnson, Glen K.

P.E. 68



## PROGRAM REVIEW REPORT

**WORK PERFORMANCE RATING:** Garnes is assigned to the Captain's Crew AM. He receives satisfactory work reports.

**INCIDENT REPORTS SINCE LAST PROGRAM REVIEW:** April 3, 2002-Code 307 Refusing an Order of Any Staff Member.

**FRP PLAN/PROGRESS:** Garnes completed his FRP obligation on December 10, 1992.

**RELEASE PREPARATION/PROGRESS:** RPP Needs January 2008.

**CCC RECOMMENDATION:** CCC placement discussed 18-24 months from release date.

**PROGRESS MADE SINCE LAST REVIEW:** Garnes has completed the AIDS Awareness class, since last program review.

### GOALS FOR NEXT PROGRAM REVIEW:

**Goal:** Education requests that Garnes enroll and complete the AM Fitness Class, offered in the Recreation Department, by next program review.

**Intervention:** Participation in this course will enhance his cardiovascular health.

**Goal:** Unit team requests that Garnes enroll and complete Counselor Garland's Beat the Streets Group before his next program review.

**Intervention:** Participation in this course will can help as he re-adjusts to the community when released from federal custody.

**LONG TERM GOALS:** Garnes will maintain clear conduct throughout the remainder of his incarceration.

### OTHER INMATE REQUESTS/TEAM ACTIONS:

#### SIGNATURES:

UNIT MANAGER: R.E. Milton

INMATE: \_\_\_\_\_

DATE: June 28, 2002

DATE: June 28, 2002

P.E.69

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS**PROGRESS REPORT**

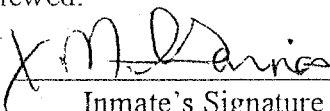
FCI Elkhart

Institution

June 6, 2002

Date

Inmate Reviewed:

  
Inmate's Signature

June 6, 2002

Date

  
Staff Signature**1. Type of Progress Report:**

Initial: \_\_\_\_\_

Statutory Interim: \_\_\_\_\_

Pre-Release: \_\_\_\_\_

Transfer: x

Triennial: \_\_\_\_\_

Other (specify): \_\_\_\_\_

**2. Name**

GARNES, Mark

**3. Register Number**

24646-053

**4. Age (DOB)**

39 (05-15-1963)

**5. Present Security/Custody Level**

Low/IN

**6. Offense/Violator Offense**

Possession With Intent to Distribute Cocaine Base

**7. Sentence**

352 Months, SRA Sentence, Five Years Supervised Released and \$150 Felony Assessment Fee

**8. Sentence Began**

01-04-1991

**9. Months Served + Jail Credit**

138 Months + 145 Days JCT

**10. Days GCT/or EGT/SGT**

688

**11. Days FSGT/WSGT/DGCT**

0/0/14

**12. Projected Release**

06-03-2010 via GCT

**13. Last USPC Action**

Not Applicable

**14. Detainers/Pending Charges**

None noted

**15. Co-defendants**

See PSI

Distribution: Inmate File

U.S. Probation Office (final progress report only)

Parole Commission Regional Office (if applicable; final progress report only)

Inmate

P.C. 70

## PROGRESS REPORT - Continued

Name: GARNES, MarkReg. No.: 24646-053Date: June 6, 200216. Institutional Adjustment:

- a. Program Plan: Inmate Garnes was received at FCI Elkton on December 5, 2001, for service of his sentence. He has demonstrated average institutional adjustment while incarcerated at this facility. His interactions with staff and inmates is appropriate and his Unit Team does consider him to be a management problem. He met with his Unit Team for an Initial Program Review on January 3, 2002. At that time, Unit Team recommended the following programs: enroll in ACE Recreation or Business, complete Unit based Counselor Groups and maintain clear institutional conduct, cube sanitation and receive good work reports.
- b. Work Assignments: Inmate Garnes has been assigned to the Captain's Crew, since April 3, 2002. He works approximately four hours per day, sweeping the inner compound's sidewalks. He receives good work reports. Garnes has also been assigned to General Maintenance work detail since his arrival at FCI Elkton. He received good work reports. While designated at various other BOP facilities, he has been assigned to Facilities, Barber Shop, Orderly and Food Service. He has received satisfactory work reports.
- c. Educational/Vocational Participation: A review of inmate Garnes' educational transcript indicates he is English proficient and has his GED. Since his arrival at FCI Elkton, he has completed the AIDS Awareness class. He is not currently enrolled in any educational or business classes.
- d. Counseling Programs: The Unit Team has encouraged Garnes to participate in unit based counseling programs. A review of his file material indicates he has not completed any counseling programs.
- e. Incident Reports:
- | <u>Date/Institution:</u> | <u>Code/Offense:</u>             | <u>UDC/DHO Sanctions:</u>   |
|--------------------------|----------------------------------|---|
| 04-03-2002/ELK           | 307/Refusing an Order            | UDC/ Change of Quarters, 15 Days D/S, suspended 180 clear conduct         |
| 09-06-2001/FTD           | 307/Refusing an Order            | UDC/ 30 Days Loss of Commissary and 30 Days Loss of Visiting              |
| 01-16-1996/SCH           | 307/Refusing an Order            | DHO/ 14 Days Loss of GCT and 15 Days D/S                                  |
| 09-08-1993/LEW           | 305/Possessing Unauthorized Item | UDC/ Suspend for 3 months based on clear conduct- Commissary and Quarters |
- f. Institution Movement:
- | <u>Date</u> | <u>Institution</u> | <u>Type of Transfer</u> |
|-------------|--------------------|-------------------------|
| 01-14-1991  | USP Lewisburg      | Initial Designation     |
| 05-31-1995  | FCI Schuylkill     | Less Security/308       |
| 01-31-1996  | FCI Allenwood      | Close Supervision/323   |
| 03-22-2000  | FCI Fort Dix       | Less Security/308       |
| 12-05-2001  | FCI Elkton         | Close Supervision/323   |
- g. Physical/Mental Health: Inmate Garnes is assigned regular duty with no medical restrictions. He is cleared for Food Service duty. He appears to be in favorable mental health with no need for staff intervention.

P.E. 71

Page 3

## PROGRESS REPORT - Continued

Name: GARNES, MarkReg. No.: 24646-053Date: June 6, 2002

- h. Progress on Financial Responsibility: At the time of sentencing, the court imposed \$150 Felony Assessment Fee. Garnes completed payment on this obligation on December 10, 1992. There are no other known court-ordered financial obligations.

17. Release Planning: After he completes his incarceration, Garnes is scheduled term five years Supervised Release with the Eastern District of New York.

a. Residence: To be secured


b. Employment: To be secured

c. USPO: James M. Fox, Chief USPO  
Eastern District of New York  
United States District Court  
705 Clinton Street, Suite 405  
Brooklyn, New York 11201-4201  
718-254-7335

- d. Release Preparation Program (RPP): Inmate Garnes' Unit Team recommends Garnes participate in the RPP classes, effective December 3, 2007.

**NOTIFICATION UNDER TITLE 18 USC 4042 (B) ARE REQUIRED, DUE TO CONVICTION OF DRUG TRAFFICKING.**

18. Dictated By:

  
S.J. Wilczak, Case Manager

June 6, 2002

Date

19. Date Typed:

June 6, 2002

20. Reviewed By:

  
R.E. Milton, Unit Manager

6-6-02  
Date

P.E. 72

FCI-PTC-D

ATTACHMENT

FEDERAL CORRECTIONAL INSTITUTION  
CUMBERLAND, MARYLAND

ADMINISTRATIVE REMEDY ATTEMPT AT INFORMAL RESOLUTION

Program Statement 1330.13, Administrative Remedy Program, requires, in most cases, an attempt at informal resolution prior to issuing a formal request form.

Inmate Name: GARNES, MARK Reg. No. 24646053 Unit A

Nature of the Complaint: Discrimination: Approval of Assignment then circumvented by CCC Sines, whom contacted SDE Ms Clifton encouraging and/or coercing to disprove Grievant for Assignment as law library clerk - where others of CAUCASIAN descent approved and assigned thereafter. Also, presumed due to grievant litigious placement according to initial approval - considering population pressures here at FCI Cumberland, each department exceeds its designed quota.

What Resolution Is Requested? to initial approval - considering population pressures here at FCI Cumberland, each department exceeds its designed quota.

Efforts Made to Resolve the Grievance: Verbally discussed with CCC SINES & SDE Ms. Clifton on 8-16 & 8-20-02, respectively.

Counselor's Comments: I am obligated to inform staff on information I feel is important as I did not recommend any removal from the detail. Ms Clifton is in charge of Education and makes the determination on who she works on her detail.

8/26/02

Unit Manager's Review/Date

J. Sines 8/26/02

Correctional Counselor/Date

Counselor fills in dates below:

Informal resolution form issued to inmate: 8/17/02 Staff & SDE

Informal resolution form returned to Counselor: \_\_\_\_\_

BP 229(13) issued to inmate: \_\_\_\_\_

BP 229(13) returned to Counselor: \_\_\_\_\_

PE. 73



BP-S148.055 INMATE REQUEST TO STAFF CDPRM  
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

TO: (Name and Title of Staff Member) <i>Ms. C. HON. Ed. SUPERVISOR</i>	DATE: <i>8-12-92</i>
FROM: <i>MARK GARNES</i>	REGISTER NO.: <i>24146-053</i>
WORK ASSIGNMENT: <i>N/A</i>	UNIT: <i>A1</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*Request for Assignment on your detail as clerk (Law Library).*

*Thank you.*

(Do not write below this line)

DISPOSITION:

*OK to put on  
Ed's detail for  
Law Clerk  
job  
OK*

*8/14/92*

Signature Staff Member

Date

Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

*RE 74*

BP-S148.055 INMATE REQUEST TO STAFF CDPRM  
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>MR. HARRIS (F/S)</i>	DATE: <i>8-20-02</i>
FROM: <i>MARK GARNES</i>	REGISTER NO.: <i>24646-053</i>
WORK ASSIGNMENT: <i>N/A (CAP. (A30))</i>	UNIT: <i>A1</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*Request Assignment to your LABOR Pool*  
*Thank you*

(Do not write below this line)

DISPOSITION:

*B. G. JCC*  
*Am Labor Pool*  
*8-23-02*

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

*PE. 75*

P-S148.055 INMATE REQUEST TO STAFF COUNCIL

EP 98

U.S. DEPARTMENT OF JUSTICE

11/2

FEDERAL BUREAU OF PRISON

TO: (Name and Title of Staff Member)

DATE:

Warden SHEARIN

8-29-02

FROM:

REGISTER NO.:

GARNES, MARK

24646-053

WORK ASSIGNMENT:

UNIT:

M/A

A1

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Sir, submission here concerns rejection of work detail (8/1/02) thereafter approval; photos taken by SIS officer Lichter on 8-20-02 (Lt's office). Seemingly each stems from allegations disproven at prior institutions (FBI ELKTON F1 Div. & Alleged to which CCC Sinos (A1) circumvented the denial of detail approval (addressed on grievances) soon after SIS photos. I note here that plausibly, your staff is targeting me discriminately & retaliating for actions I have taken with respect to these allegations. Results, which have been continuous. I submit here that should I be detained in your Segregation Housing Unit for any reason relevant to investigation (SIS) or

(Do not write below this line)

DISPOSITION:

Staff Member

Date

PE76

P-S148.055 INMATE REQUEST TO STAFF CERN

SEP 98

U.S. DEPARTMENT OF JUSTICE

26f2

FEDERAL BUREAU OF PR

TO: (Name and Title of Staff Member)

DATE:

8-29-02

WARDEN

FROM:

REGISTER NO.:

24646-053

WORK ASSIGNMENT:

UNIT:

A1

N/A

OBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

An indication. I Request the United States District Court Justices overseeing my litigation are notified. (ie. Hon. Chief Judge E. R. Korman (E.D.N.Y.); Hon. Judge W. W. Caldwell (M.D. Pa. As a result of detainment, I request my property (personal & legal) is appropriated in an ethical & procedural manner consistent with my property not being disposed or confiscated without proper documentation. I have receipts for property purchased here at your facility & previous facility (ECT & other). In addition, that my personal & legal mail is provided in which neither interferes with the security of your institution.

Respectfully,

Mark G. James

cc: Hon. Chief Justice Edward R. Korman

U.S.D. Ct./E.D.N.Y. (Do not write below this line)

225 CADMAN PLAZA  
 BROOKLYN, NY 11201

Hon. Justice William W. Caldwell  
 U.S.D. Ct./M.D. Pa.  
 P.O. Box 983  
 228 Walnut Street  
 Phila, Pa. 19106

Pia Taggart  
 Prob Se Clerk  
 Ct. of Appls.  
 Third Circuit  
 601 Market Street  
 Phila, Pa. 19106

Staff Member

Date

PE 97

11/0  
ATTACHMEFEDERAL CORRECTIONAL INSTITUTION  
CUMBERLAND, MARYLAND

## ADMINISTRATIVE REMEDY ATTEMPT AT INFORMAL RESOLUTION

Program Statement 1330.13, Administrative Remedy Program, requires, in most cases, an attempt at informal resolution prior to issuing a formal request form.

Inmate Name: CARRAS, M. Reg. No. 24646-CE3 Unit A2

Nature of the Complaint: Staff Negligence MEMORANDUM prohibiting  
possession of legal materials (BP 229) violates  
constitutional rights enabling "Access to the Courts" mandated &  
secured by the U.S. Constitution's 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> Amendments

What Resolution Is Requested? This Memorandum, Policy Statement,  
Form Appended is Abrogated in the interest of Justice.

Efforts Made to Resolve the Grievance: Discussed with A.W. Bugdan;  
Inmate Request to Warden Shearin & A.W. Ausborn

Counselor's Comments: \_\_\_\_\_

Unit Manager's Review/Date

Correctional Counselor/Date

Counselor fills in dates below:

Informal resolution form issued to inmate: 11/10/02 11/15/02

Informal resolution form returned to Counselor: \_\_\_\_\_

BP 229(13) issued to inmate: \_\_\_\_\_

BP 229(13) returned to Counselor: \_\_\_\_\_

PS 70



Jul 2

Name: Mark Gonzales 24646-053

Date: October 11, 2000

RE: B.P. 8 - Continuation Page - D.S. 1330.13(8)(c)(3)

Constitutional violations will incur upon restrictions to possess, procure Pre-Sentence Report, which is essential to access to the courts. An Act of Congress has delegated these documents essential (18 U.S.C. Sections 3552 and 3553) to sentencing where the sentencing court determines the sentence to be imposed (sentencing guideline or provisional sentence) pursuant to Rule 32 of the Federal Rules of Criminal Procedure. It is in addition here that the judgment and commitment are conjoined. Relevant are each, especially, to my present litigation, currently before the U.S. Sup. Ct. and district court (i.e., Rules 10, 11, 16, 17, 27, 28, 29, and 30 (Court of Appeals' Appellate Procedures and Rules); Rules 14, 15, 18, 21, 22, 24, 25, 26, 36, 37, 44, (Supreme Court Rules), ARE RULES governing litigation in criminal and civil cases (28 U.S.C. Sections 2241, 2255, 1331; 42 USC Section 1983 Rule 60(b); Rule 33; Rule 35 (LODING/NEWLAND).

Pertinent here is a Prisoner's Right to "Access to Legal Materials" (Constitutional Rights of Prisoners' Rights, Ch 7: 7.9 and 7.12) "Confiscation of significant legal documents" are forbidden. The stated, Intimidated (P.S. 3420.08) with disciplinary actions falls within retaliatory actions hereto. In addition, this Memorandum discriminates, in that, possession of these relevant legal materials prejudice this matter, comparably where inmates similarly subjected and afforded possession of their Pre-Sentence Reports and Judgment and Commitment legal materials render violations of equal protection. To further this matter, privacy to obtain papers (legal) to be seized are violation of Fourth Amendment Rights, throw with First Amendment (Right to Petition the Government for Redress of Grievances); Fifth Amendment (deprivation of life, liberty, or property without due process of law; similar silenced persons or classes similar treatment under the law); Sixth Amendment (trial by jury; informed of nature & cause of accusations (PSI furthors indictments' charges; accusations (ENHANCEMENTS PER SENT. Guidelines). It is here that B.C.P. Staff (Executive, Administrative & Custody) ARE to be cognizant of Prisoner's Rights (Prisoner's Rights, STANDARD 2.18(1)(c) "Assure wide distribution & understanding of the rights of offenders among both offenders and correctional staff." Thus, there is not a STATUTORY LAW Constitution 11



U.S. Department of Justice

Federal Bureau of Prisons

*Federal Correctional Institution  
 Cumberland, Maryland 21502*

Date: October 7, 2002  
 Reply To: [illegible]  
 Attn Of: Bobby P. Shearin, Warden

Subject: Re-Issued Program Statement No. 1351.05, Release of Information (09/19/02)

To: Inmate Population

Effective November 2, 2002, inmates may not obtain or possess photocopies of their Pre Sentence Reports (PSR) and/or the Statement of Reasons (SOR) from their criminal judgements. Re-issued Program Statement No. 1351.05, Release of Information (09/19/02), makes this change. This policy change responds to the emerging problem of inmates pressuring other inmates for a copy of their PSRs and SORs to learn if they are informants, gang members, have financial resources, etc. This policy change will help the Bureau better protect the safety and security of its institutions, inmates, staff, and the public.

1. Inmates are immediately prohibited from obtaining photocopies of PSRs and SORs. Any pending or future requests for photocopies of these documents are denied. You may still review your PSRs and SORs locally, as scheduled with your unit team.

2. No later than November 2, 2002, you must remove from the institution any copies of PSRs and SORs currently in your possession. After this "grace period," you will be subject to disciplinary action for possession of contraband. You may dispose of your photocopied PSRs and SORs by any of the following methods:

1. Mailing the material out of the institution to any person you choose;
2. Destroying and discarding the document(s) yourself; or;
3. Delivering the document(s) to a staff member for destruction.

3. A new form (BP 3757.013) is available to inmates which allows you to present your PSRs and SORs to courts in which you are involved in litigation. A copy of the new form is available to you in the housing units and law library. The new form includes instructions for its use.

Contact your unit team with further questions on this new policy.

FE.80

AUG 02

**INMATE REQUEST FOR CERTIFICATION OR JUDICIAL NOTICE OF  
PRESENTENCE REPORT AND/OR STATEMENT OF REASONS** CDFRM  
**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

TO THE CLERK OF COURT: This form is filed as an ATTACHMENT to my pleading in the following current cause of action or appeal (indicate current case caption, docket no., judicial district, etc.):

My current cause of action or appeal is (check all that apply):

☐ A direct appeal of my original criminal conviction or sentence (filled with the U.S. Court of Appeals);

☐ An original petition for writ of habeas corpus pursuant to title 28 USC §2255, or appeal of its denial, regarding my criminal conviction or sentence (filled with sentencing court or U.S. Court of Appeals); or

☐ Other, e.g., §2241 habeas petition; Privacy Act of 1974 (5 USC §552a), etc. (describe):

As part of my current cause of action or appeal, I request the court consider my Pre-Sentence Report (PSR) and Judgement (including Statement of Reasons (SOR)), where necessary, from my underlying criminal case, described as follows (indicate underlying criminal case caption, docket no., judicial district, sentencing judge and date, etc.):

This form is for informational and notification purposes, and is not intended to create a new procedural requirement for inmates, courts, or clerks.

Respectfully submitted:

Inmate Signature

Inmate Printed Name

Reg. No.:

Date Signed

Institution Address

**DIRECTIONS TO INMATE:** The Bureau of Prisons prohibits inmates from possessing copies of their Presentence Reports (PSR) or Statement of Reasons (SOR) from criminal judgements. This form is for you to **ATTACH** to any court action where, as part of your cause of action or appeal, you request the court to consider your PSR or SOR. Complete this form as indicated, and submit it as an **ATTACHMENT** to your pleading to the court considering your current cause of action or appeal. This form is not a pleading, but an **ATTACHMENT** requesting the court obtain and consider your PSR and/or SOR when needed. You only need this form when your cause of action involves the PSR or SOR. Be sure to indicate in your pleading the specific part(s) of the PSR or SOR you believe relevant to your case.

This form may be replicated via WPJ

P.E. 81

-S148.055 INMATE REQUEST TO STAFF COUNCIL

P 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

TO: (Name and Title of Staff Member)

DATE:

FROM:

REGISTER NO.:

WORK ASSIGNMENT:

UNIT:

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Attitude on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Recent memo prohibiting prisoners from seeing  
 outside constitutional rights. I am a prisoner and I  
 am making request to retain my personal freedoms  
 to avoid going into litigation & rights to process. Request  
 no disciplinary actions or retaliation taken against  
 me.

Thank you

(Do not write below this line)

PROPOSITION:

Staff Member

Date

P.E. 82

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Mark Garnes,

Defendant/Movant

-against-

United States of America,

Respondent.

Docket Nos.: 88-Cr-496(ERK)  
96-CV-4357(ERK)

MOTION PURSUANT TO  
60(b)(2) and (6) UNDER  
THE FEDERAL RULES OF CIVIL  
PROCEDURE SEEKS RELIEF  
FROM JUDGMENT

NOW COMES, Mark Garnes, Movant, pro se, hereby moves the Honorable Court to relieve defendant/movant from the judgment imposed by the Court thereon July 30th, 1999.

On July 30th, 1999, the Honorable Court here partially rendered movnat's petition pursuant to 28 U.S.C. § 2255, in favor of movant. However, the Honorable Court did not oblige movnat's remaining claims therein the 28 U.S.C. § 2255. In which, the fourth count of the indictment was vacated, movant was then enhanced two points for possession of a firearm in accord to the United States Sentencing Guidelines, § 2D1.1(b) (1).

Here now, movant seeks relief from the enhancements therein the Pre-Sentence Report, in which the Honorable Court adopted there at sentencing on January 4th, 1991 and there at re-sentencing on July 30th, 1999.

Movant here asserts that relief may be granted pursuant

*Order*  
*The U.S. Attorney*  
*is directed to*  
*reply to this*  
*motion w/in*  
*30 days.*

*CRD J*  
*8/30/02*

*11/20/2000*

*P.E. 82*

*137*



20 TOTAL PAGE 02



U.S. Department of Justice

United States Attorney  
Eastern District of New York156 Pierrepont Street  
Brooklyn, New York 11201

FILED

IN CLERK'S OFFICE

U.S. DISTRICT COURT E.D.N.Y.

OCT 01 2002

September 28, 2002

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_Honorable Edward R. Korman  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

The application is

✓

granted

denied

recommended to the Magistrate Judge

Re: Mark Garnes v. United States;  
Criminal Docket No. 88-496 (ERK)  
Civil Docket No. 96-4357 (ERK)

Edward R. Korman

9/30/02

Dear Chief Judge Korman:

By order dated August 30, 2002, handwritten on a motion of defendant-movant Mark Garnes dated July 13, 2000, seeking post-conviction relief based on Apprendi v. New Jersey, 530 U.S. 466 (2000), Your Honor directed the government to respond on or before September 30, 2002. This letter is submitted as a request for an extension of time up to and including November 15, 2002, within which to respond. I am currently preparing for trial in United States v. Marvin Rubenstein, et al. to begin before Judge Block on October 7, 2002, and otherwise have other imminent deadlines which prevent me from addressing the motion by September 30, 2002.

Thus, the government respectfully requests that the time within which the government may respond to the motion be extended to November 15, 2002..

Respectfully yours,

ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY

By:

Andrew J. Frisch  
Assistant U.S. Attorney  
(718) 254-6287

cc: Mark Garnes  
No. 24646-053  
P.O. Box 1000-A1  
Cumberland, Maryland 21501

P.E. 84 38

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARK GARNES,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.  
-----X

00 Civ. 4549 (ERK)

ORDER

Korman, Ch.J.,

The motion pursuant to F.R.Civ.P., Rule 60(b) is treated as a second successive petition for a writ of habeas corpus. The first petition was granted in part and denied in part. The Second Circuit recently affirmed the part of the order denying the petition. United States v. Garnes, 216 F.3d 1073 (Table), 2000 WL 898881 (2d Cir. June 29, 2000). Because this is a second petition, it is referred to the Court of Appeals for an order that authorizes me to consider it. See Corrao v. United States, 152 F.3d 188, 190 (2d Cir. 1998). Petitioner cannot avoid this precondition by characterizing his motion as one pursuant to F.R.Civ.P. Rule 60(b). See D'Amico v. United States, 2000 WL 686371 (S.D.N.Y. 2000) (Leisure, J.) (for a thorough discussion of this issue).

I add these words by way of assistance to the Court of Appeals. While petitioner has raised a number of claims that do not appear to have merit, the petition contains a potentially meritorious legal claim under the holding of the Supreme Court in Apprendi v. New Jersey, 120 S.Ct. 2348 (2000). The Supreme Court there held that, other than the fact of a prior conviction, any fact that increases the prescribed statutory maximum must be submitted to the jury and proved beyond a reasonable doubt. In petitioner's case the drug quantity, which was not submitted to the

J.A. 32 P.E. 17  
P.E. 85


jury, increased petitioner's sentence by five years. I attach a memorandum from our Senior Deputy Probation Officer discussing the issue.

The principal hurdle facing petitioner's application is the condition that the order permitting the filing of a second successive petition contain a certification that the petition is based on "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable." 28 U.S.C. § 2255 (last paragraph). While Apprendi appears to be new law as that term is used, it arose on direct appeal and does not contain any express ruling on its retroactive application on collateral review.

In sum, with these words of assistance, the Rule 60(b) motion is treated as a second successive petition for a writ of habeas corpus and is referred to the Court of Appeals.

SO ORDERED.

Brooklyn, New York  
August 4, 2000

  
Edward R. Korman  
United States District Judge

J.A. 33 P.E. 18



# MEMO

Date: August 1, 2000

To: HONORABLE EDWARD R. KORMAN  
Chief U.S. District Judge

From: TONY GAROPPOLO *AG*  
Senior Deputy Chief U.S. Probation Officer

Re: U.S. v. Mark Garnes  
88-CR-496 (ERK)

I reviewed the attached petition from Mark Garnes who is presently serving 300 months after a re-sentencing by Your Honor on July 30, 1999. This was a jury verdict drug case. Although the judgment appears to reflect that the Conspiracy to Distribute Heroin and 18 USC 924(c) gun counts were vacated, with the defendant only re-sentenced on the cocaine base count, I have learned from your case manager that Garnes was re-sentenced on both the heroin and cocaine base counts.

Arguably, the defendant has an *Apprendi* issue. It seems clear that Your Honor found the guideline range to be 360 months to life, partially based on an amount of cocaine base being at least 50 grams (which elongated the statutory penalty on that count to 10 years to life). The heroin count carried a 20 year statutory maximum. *Apprendi* appears to reduce the cocaine base count penalty to 20 years, but the court would still have had statutory room for a 300 months sentence (achieved via a downward departure from 360 months) by sentencing the defendant to 240 months on one drug count and 60 months consecutive on the other, for an aggregate sentence of 300 months. The problem is that page 2 of the amended judgment (attached) does not break down the 300 month sentence by counts, so it cannot be determined how the court statutorily achieved its aggregate sentence. It seems that another re-sentencing may be necessary.

Jb  
attachment

J.A. 34 P.E. 19